

valorem taxes in all such navigation districts for the payment of all navigation district bonds now outstanding; finding that all lands within such navigation districts have been, and/or will be, benefited by the creation thereof and the construction of authorized improvements; enacting provisions incident and necessary to the subject and purpose of this Act, and declaring an emergency."

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,
Austin, Texas, October 4, 1933.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 38, "An Act to amend House Bill No. 725, Chapter 89, Acts of the Forty-second Legislature, passed at its Regular Session in 1931, authorizing any navigation district created for the development of deep water navigation which may now have, or may hereafter have, within its boundaries a city of not less than twenty-seven thousand (27,000), nor more than twenty-eight thousand (28,000) inhabitants as shown by the Federal Census, last preceding such action, to borrow money and encumber its properties and revenues to secure payment thereof, by adding thereto new Sections to be known as Sections 8, 9, 10, 11, 12, 13, and 14, so as to provide for notice and hearing in respect of the issuance of the evidences of any such indebtedness; authorizing the commissioners of any such district to adopt all necessary orders and resolutions pertinent to the creation of any such indebtedness; providing that such evidences of indebtedness shall be signed by the chairman, countersigned by the secretary of the board of commissioners of any such district; providing that any such evidences of indebtedness may be registered as to principal only by the trustee named in the indenture executed by the commissioners of said district to secure payment of such evidences of indebtedness; providing that the provisions of Articles 8240, 8241, 8242, and 8243, Revised Civil Statutes, 1925, shall not apply to the grant of any franchise under the provisions of Section 5, of said Chapter 89; providing that no proceedings

shall be required to be taken by either any commissioners court or navigation board to effect the purposes of this Act; ratifying, confirming, approving, and validating any proceedings had by any such district in respect of the issuance of evidences of indebtedness contemplated and authorized by said House Bill No. 725, and this amendment thereto, including any and all notices and hearings heretofore issued and had in conformity with the provisions of this Act; authorizing the Commissioners of any such district to issue and sell such evidences of indebtedness; enacting provisions incident and necessary to the subject and purpose of this Act, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

FOURTEENTH DAY

(Continued)

(Thursday, October 5, 1933)

The House met at 9:30 o'clock a. m., and was called to order by Speaker Stevenson.

LEAVE OF ABSENCE GRANTED

(By Unanimous Consent)

Mr. Greathouse was granted leave of absence for today, on account of important business, on motion of Mr. Burns.

GRANTING FRANK TINER PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 10, To grant Frank Tiner permission to sue the State.

Whereas, On or about September the 6, 1933, Frank Tiner, of Lavernia, Wilson County, Texas, was en route to his home, when five miles north of Beeville, a highway truck, one of a convoy going to the Rio Grande Valley, and traveling at a high rate of speed, struck his Overland car on a narrow bridge, completely demolishing same, and injuring the occupants; and

Whereas, The demolished car was the only means of transporting prod-

uce to the market, and of conveying his children to school several miles away; and

Whereas, The accident was caused by the carelessness and negligence of an employe of the State Highway Department; and

Whereas, The said Frank Tiner is desirous of bringing suit against the State Highway Department of Texas and the State of Texas, for such amount as said Frank Tiner may be entitled to recover for the amount of his demolished car; and

Whereas, The said Frank Tiner has not been compensated for his loss; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the said Frank Tiner, or his heirs, executors, and administrators, be, and they are hereby, authorized to bring suit against the State Highway Department of Texas and the State of Texas, for such amount as said Frank Tiner may be entitled to recover by reason of such resulting damages; and that in case such suit be filed, service of citation or other necessary process be had upon the Governor of the State of Texas, the Chairman of the State Highway Commission of Texas, and the Attorney General of Texas, and that the same have the same force and effect as made and provided in civil cases; and provided that either one of the parties to said suit shall have the right to appeal without the execution of bond; and any judgment that may be finally established against the State of Texas and the State Highway Commission of Texas, or either of them, in said suit, shall be a liquidated debt, and shall be paid by the State Highway Commission of Texas out of the State Highway Funds. Such a suit may be filed in any court of competent jurisdiction in Travis County, Texas.

The resolution was read second time.

On motion of Mr. Alsup, it was referred to the Committee on State Affairs.

GRANTING ERNEST LOYD PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 14, Granting Ernest Loyd permission to sue the State.

Whereas, Heretofore the State of Texas, acting by and through its Highway Commission, after having duly and properly advertised for same, opened bids or proposals on M4D2. Highway No. 33, in Potter County, Texas, which called for certain road construction in Potter County, Texas; and

Whereas, On opening such bids, it was found that Ernest Loyd was the lowest and best bidder, and offered in his bid to do the work at a lower price than any other person, firm, or corporation bidding on such project; and

Whereas, Thereafter the State of Texas, acting through its Highway Commission, awarded the contract for said road construction to Ernest Loyd; and

Whereas, Ernest Loyd, either himself or through his subcontractor, T. T. Thompson, did all the work called for under the contract, and after the completion of the work, filed a claim against the State of Texas with the Highway Commission, asserting that the State had not fully paid him for all the work done in connection with the contract; and

Whereas, The State of Texas, acting by and through its Highway Commission, has failed to pay said claim or any part thereof, and in many instances, the question of whether or not the State is liable is dependent upon fact findings which should be determined by a court or jury; and

Whereas, Under the Constitution and laws of this State, a suit cannot be maintained against the State of Texas without consent of the Legislature; and

Whereas, The Legislature desires to consent that Ernest Loyd may bring and maintain a suit in one of the district courts of Travis County, Texas, on the above-mentioned claim; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the Legislature of the State of Texas does hereby consent that Ernest Loyd may bring, maintain, and prosecute a suit against the State of Texas in one of the district courts of Travis County, Texas, on the above-mentioned claim, and permission is hereby granted the said Ernest Loyd to sue the State of Texas in one of the district courts of Travis County, Texas, on said claim; be it further

Resolved, That should Ernest Loyd recover a judgment against the State of Texas in such suit, the judgment thus obtained, if any, shall be paid by the State of Texas, through its Highway Commission, out of any funds heretofore or hereafter appropriated to or for the use of the Highway Commission of the State of Texas; be it further

Resolved, That Ernest Loyd shall give the necessary cost bond as in other civil suits, and either party shall have the right of appeal from any judgment rendered in the court in which said suit may be filed; be it further

Resolved, That a certified copy of this resolution, when presented to the district court in which the suit is pending, shall be conclusive evidence that the Legislature has consented to such suit being filed and maintained on such claim, and that permission has been granted the said Ernest Loyd by the Legislature of the State of Texas to bring the suit against the State of the above-mentioned claim.

The resolution was read second time.

On motion of Mr. Alsup it was referred to the Committee on State Affairs.

GRANTING D. S. CAMPBELL PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 15, Granting D. S. Campbell and children permission to sue the State of Texas.

Whereas, D. S. Campbell and children, citizens of the State of Texas, and of Lubbock County, Texas, are joint owners of property known as Lots One and Two, Eleven and Twelve, in Block "B," O. T. Tyler Addition to the town of Salado, in Bell County, Texas, said property being on the west side of and abutting State Highway Number 2 and U. S. Highway Number 81, which said property has situated thereon a residence facing said highway and approximately twenty feet therefrom; and were the owners of said property in the years of 1930 and 1931, and for many years prior thereto; and

Whereas, At all times heretofore said highway has been on a level with said lots up until the reconstruction of same; and

Whereas, On or about March 1, 1931, the State Highway Department of Texas did rebuild, reconstruct, and supervise the rebuilding and reconstruction of said highway in front of his property and did, without the consent of said Campbell, construct a concrete bridge upon said highway, abutting the southeast corner of said lots, together with an approach thereto, and that the elevation of said highway ranged from 10 feet at the northeast corner to an elevation of 12 feet at the southeast corner above said lots; that the elevation of said highway destroyed the market value of said property, and rendered it uninhabitable, injured and destroyed the easement of ingress and egress, light, view, and air belonging to said property, by reason of its abutting on the said road, and by reason of it having enjoyed the same since the year of 1898; and

Whereas, The State of Texas, acting by and through its Highway Commission, has failed and refused to pay said claim or any part thereof; and

Whereas, The said Campbell contends that the construction of said elevation upon said highway immediately in front of his property in the manner stated is an unwarranted taking of his property for public use, against his consent, without compensation, and in violation of the Constitution of the State; and

Whereas, Under the laws of this State a suit cannot be maintained against the State of Texas without the consent of the Legislature; and

Whereas, The Legislature desires to consent that the said D. S. Campbell and all joint owners of said property may bring a joint suit as plaintiffs, in a court of competent jurisdiction, on the above-mentioned claim; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the said D. S. Campbell and children, joint tenants, be, and they are hereby, granted permission to bring suit against the State of Texas, in the District Court of Bell County, Texas, the county in which such injury, if any, occurred, in order to determine what damages, if any, they sustained, at any time within two years from the date hereof, and that said cause of action shall not be barred by limitation until two years from and after such date; and that in case such suit is filed, service

of citation or other necessary process be had upon the Attorney General of the State of Texas, and the Chairman of the Highway Commission of the State of Texas, and that the same have the same force and effect as made and provided in civil cases, and that if any judgment is recovered thereon it shall be paid by the State through its Highway Commission, together with costs of suit, out of any funds heretofore or hereafter appropriated to or for the use of the Highway Commission of the State of Texas.

The resolution was read second time.

On motion of Mr. Alsup, it was referred to the Committee on State Affairs.

GRANTING RALPH BOWERS PERMISSION TO SUE TARRANT COUNTY

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 17, Granting Ralph Bowers, his heirs, executors, and administrators privilege to bring suit against Tarrant County.

Whereas, On or about January 11, 1933, Ralph Bowers, of Fort Worth, Tarrant County, Texas, while in the employment of Tarrant County, Texas, sustained and suffered serious and permanent bodily injuries, in the course of his said employment, and while in line of duty, said injuries being sustained on account of the overturning of his motor truck, on the upper Azle Road, about one and one-half miles from the Ten-Mile Bridge, on said road in Tarrant County, Texas, belonging to Tarrant County, and which was being operated, at the time of said accident, by the said Ralph Bowers, while on duty and in the course of his employment at said time;

Whereas, As a result of such accident, the said Ralph Bowers suffered and sustained severe burns about his face, hands, legs, and other portions of his body, and further resulting in the loss of his right eye; said injuries being permanent in their nature; and

Whereas, A dispute has arisen between the said Tarrant County, Texas, and the said Ralph Bowers, as to the liability of Tarrant County for said injuries and damages resulting to the said Ralph Bowers, as a result of alleged negligent acts and omissions of

the said Tarrant County, Texas, its agents, servants, and employes; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the said Ralph Bowers, his heirs, executors, and administrators, be, and they are hereby, granted permission to bring suit against the County of Tarrant in the State of Texas, in a court of competent jurisdiction in Tarrant County, Texas, in order to determine the liability, if any, of the said Tarrant County, Texas, and in order to ascertain, fix, adjudge, and award the amount of money, if any, the said Ralph Bowers, his heirs, executors, and administrators are entitled to receive from Tarrant County, Texas, as compensation and damages by reason of such injuries and resulting damages; and that in case such suit be filed, service of citation, or other necessary process, shall be had upon the county judge and the county commissioners of Tarrant County, Texas, all with the same effect as in other civil cases; and provided that either one of the parties to said suit shall have the right to appeal same to any court or courts of competent appellate jurisdiction, and that Tarrant County, Texas, shall have the right to appeal without the execution of bond; and any judgment that may finally be established against Tarrant County, Texas, in said suit, shall be a liquidated debt, and shall be paid by said Tarrant County, Texas, out of the general fund of said county.

The resolution was read second time.

On motion of Mr. Alsup, it was referred to the Committee on State Affairs.

BILL ORDERED PRINTED

Mr. Weinert moved that House Bill No. 58, reported adversely with a minority favorable report, be printed.

The motion prevailed.

BILL ORDERED NOT PRINTED

On motion of Mr. Alsup, House Bill No. 164 was ordered not printed.

BILL RE-REFERRED

On motion of Mr. Tillery, House Bill No. 113 was withdrawn from the Committee on Revenue and Taxation, and referred to the Committee on Penitentiaries.

SENATE BILL NO. 41 ON THIRD
READING

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 41, A bill to be entitled "An Act to fix the salaries and compensation of county commissioners in counties with a population of not less than 77,777 nor more than 78,000, according to the last Federal Census."

The bill was read third time.

Mr. Bedford offered the following amendments to the bill:

(1)

Amend Senate Bill No. 41 by striking out all above the enacting clause, and inserting in lieu thereof the following:

"S. B. No. 41,

A BILL

To Be Entitled

An Act to fix the salaries and compensation of county commissioners in counties with a population of not less than 77,777 nor more than 78,000, according to the last Federal Census, and having assessed valuations of not less than \$45,000,000 nor more than \$46,000,000, and in counties with a population of not less than 64,000 nor more than 65,000, according to the last Federal Census, and having assessed valuations of not less than \$59,000,000 nor more than \$60,000,000, and declaring an emergency."

(2)

Amend Senate Bill No. 41 by striking out Section 1, and inserting in lieu thereof the following:

"Section 1. That the salaries and compensation of the county commissioners in counties with a population of not less than 77,777 nor more than 78,000, according to the last Federal Census, and having assessed valuations of not less than \$45,000,000 nor more than \$46,000,000, and in counties with a population of not less than 64,000 nor more than 65,000, according to the last Federal Census, and having assessed valuations of not less than \$59,000,000 nor more than \$60,000,000 shall be \$2,400 per annum, payable in monthly installments of \$200 per month."

The amendments were severally adopted.

Senate Bill No. 41 was then passed by the following vote:

Yeas—107

Adamson.	Laird.
Aikin.	Lemens.
Alexander.	Leonard.
Alsup.	Lindsey.
Anderson.	Magee.
Baker.	McClain.
Barrett.	McCullough.
Barron.	McGregor.
Bedford.	Merritt.
Bourne.	Metcalf.
Bradley.	Mitcham.
Burns.	Moore.
Calvert.	Morrison.
Canon.	Munson.
Cathey.	Nicholson.
Celaya.	Palmer.
Chastain.	Parkhouse.
Colson.	Patterson.
Daniel.	Pavlica.
Dean.	Pope.
Devall.	Purvey.
Dunlap.	Ratliff.
Dunagan.	Ray.
Duvall.	Reader.
Fain.	Reed of Bowie.
Few.	Reed of Dallas.
Fisher.	Renfro.
Fuchs.	Riddle.
Glass.	Roberts.
Golson.	Rogers
Graves.	of Ochiltree.
Griffith.	Rollins.
Hankamer.	Ross.
Harman.	Russell.
Harris.	Scarborough.
Harrison.	Scott.
Hartzog.	Shannon.
Head.	Shults.
Hicks.	Steward.
Hill of Brazoria.	Stinson.
Hodges.	Stovall.
Holland.	Stubbeman.
Holloway.	Tarwater.
Huddleston.	Thomas.
Hughes.	Townsend.
Hunt.	Van Zandt.
Hyder.	Vaughan.
Jackson.	Wagstaff.
James.	Walker.
Jefferson.	Weinert.
Jones of Runnels.	Wells.
Jones of Shelby.	Winningham.
Kyle of Hays.	Wood.
Kyle of Palo Pinto.	Young.

Present—Not Voting

Goodman.	Lotief.
Holekamp.	Tillery.

Absent

Beck.	Jones of Atascosa.
Butler.	Latham.
Camp.	Long.
Caven.	Mackay.
Clayton.	Mathis.
Coombes.	McDougald.
Cowley.	McKee.
Crossley.	Moffett.
Davidson.	Morse.
Dwyer.	Ramsey.
Engelhard.	Rogers of Hunt.
Ford.	Savage.
Good.	Smith.
Hester.	Stanfield.
Hill of Webb.	Sullivant.
Hoskins.	Tennyson.
Hunter.	Turlington.
Johnson of Anderson.	

Absent—Excused

Greathouse.	Kayton.
Johnson of Dimmit.	

HOUSE BILL NO. 63 ON PASSAGE
TO ENGROSSMENT

The Speaker laid before the House, as unfinished business, on its passage to engrossment,

H. B. No. 63, A bill to be entitled "An Act to regulate the business of transporting persons for hire or for compensation over the public roads, highways, or bridges of the State of Texas, whether as a common carrier, contract, or charter carrier, or as a transportation agency or travel bureau for obtaining a co-traveler or co-travelers to share the expense of a trip or to act as an intermediary in connection therewith as a broker for hire, agent, or otherwise, whereby the expense of a trip or trips is to be shared, or to solicit, induce, or encourage another to purchase an interest in a motor vehicle in violation of this Act unless the person, driver, or chauffeur in charge of the motor vehicle shall first comply with the laws of this State in connection with the obtaining of proper licenses; etc., and declaring an emergency";

The bill having been read second time on yesterday.

House Bill No. 63 was then passed to engrossment.

HOUSE BILL NO. 63 ON THIRD
READING

Mr. Duvall moved that the constitutional rule, requiring bills to be

read on three several days, be suspended, and that House Bill No. 63 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—96

Adamson.	Latham.
Aikin.	Lemens.
Alexander.	Mackay.
Alsup.	Magee.
Baker.	Mathis.
Barrett.	McClain.
Bourne.	McCullough.
Bradley.	McDougald.
Burns.	Merritt.
Calvert.	Metcalfe.
Camp.	Mitcham.
Canon.	Moore.
Cathey.	Morrison.
Celaya.	Nicholson.
Chastain.	Palmer.
Colson.	Patterson.
Dean.	Pavlica.
Devall.	Pope.
Dunagan.	Puryear.
Duvall.	Ratliff.
Few.	Ray.
Fisher.	Reader.
Ford.	Reed of Dallas.
Fuchs.	Renfro.
Glass.	Riddle.
Good.	Roberts.
Goodman.	Rollins.
Greathouse.	Savage.
Griffith.	Scarborough.
Hankamer.	Scott.
Harman.	Shannon.
Hartzog.	Shults.
Head.	Stanfield.
Hicks.	Stinson.
Hill of Brazoria.	Stovall.
Hill of Webb.	Stubbeman.
Hodges.	Tarwater.
Holekamp.	Thomas.
Holland.	Tillery.
Hughes.	Townsend.
Hunt.	Turlington.
Hyder.	Van Zandt.
Jackson.	Vaughan.
James.	Wagstaff.
Jefferson.	Walker.
Jones of Atascosa.	Weinert.
Jones of Shelby.	Wells.
Kyle of Palo Pinto.	Young.
Laird.	

Nays—11

Coombes.	Kyle of Hays.
Crossley.	Lindsey.
Fain.	Munson.
Harris.	Reed of Bowie.
Huddleston.	Winningham.
Jones of Runnels.	

Present—Not Voting

Lotief.

Absent

Anderson.	Johnson
Barron.	of Anderson.
Beck.	Leonard.
Bedford.	Long.
Butler.	McGregor.
Caven.	McKee.
Clayton.	Moffett.
Cowley.	Morse.
Daniel.	Parkhouse.
Davidson.	Ramsey.
Dunlap.	Rogers of Hunt.
Dwyer.	Rogers
Engelhard.	of Ochiltree.
Golson.	Ross.
Graves.	Russell.
Harrison.	Smith.
Hester.	Steward.
Holloway.	Sullivant.
Hoskins.	Tennyson.
Hunter.	Wood.

Absent—Excused

Johnson	Kayton.
of Dimmit.	

The Speaker then laid House Bill No. 63 before the House on its third reading and final passage.

The bill was read third time, and was passed.

HOUSE BILL NO. 43 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 43, A bill to be entitled "An Act declaring the policy of the Legislature to provide for the general welfare by co-operating with the Federal Government in making effective the provisions of the National Agricultural Adjustment Act and the National Recovery Act within the State of Texas with reference to producers, distributors, and processors of milk and milk products; defining certain terms used in the bill; providing for application to the Commissioner of Agriculture by groups engaged in the milk industry for the setting up of a code, codes, or agreements; authorizing or directing the Commissioner of Agriculture, after hearing, to set up and promulgate a code, codes, or agreements for fair competition for the milk industry; authorizing the Commissioner to impose such conditions as are necessary to make the codes effective and to establish rules and regulations for their

conduct; providing penalties for violation of such codes; etc., and declaring an emergency."

The bill was read second time.

Mr. Fain offered the following committee amendment to the bill:

Amend House Bill No. 43 by striking out all below the enacting clause, and inserting in lieu thereof the following:

"Section 1. It is hereby declared to be the policy of the Legislature of Texas to provide for the general welfare in an emergency hereby declared to exist, by co-operating with the Federal Government in making effective the purposes of the National Agricultural Adjustment Act and the National Industrial Recovery Act within this State with reference to the milk industry, and to eliminate unfair competitive practices therein, to the end that present disorganization of the dairy industry may be corrected and the value of this specialized agricultural commodity stabilized.

"Sec. 2. (a) The term 'person,' when used under this Act, shall mean any individual, firm, co-partnership, or corporation.

"(b) The term 'producer' shall mean any person regularly engaged in the production of fluid milk for sale in the State of Texas.

"(c) 'Distributors' means any of the following persons engaged in the business of handling fluid milk:

"(1) Pasteurizers, bottlers, or other processors of fluid milk.

"(2) Persons distributing fluid milk at wholesale or retail to hotels, restaurants, stores, or other establishments for consumption on the premises; to stores or other establishments for resale, or to consumers, irrespective of whether any such person is also a producer of milk, and irrespective of whether the distribution is by wagon or other vehicle or over the counter.

"(3) Persons operating stores or other establishments selling fluid milk at retail for consumption off the premises.

"(d) The term 'processor' shall mean any person who receives or buys milk or milk fats for the purpose of changing its nature or character by physical or chemical means into other forms, such as butter, cheese, ice

cream, condensed milk, buttermilk, chocolate or other flavored milk, or milk converted into any other form.

"(e) The term 'fluid milk,' when used under the provisions of this Act, shall mean the fresh, clean, lacteal solution obtained by the milking of cows which secretion has not been soured nor been skimmed or separated so as to have had substantially all the butter fat removed therefrom, nor been churned, nor evaporated, or condensed, nor been reduced to powdered form, nor otherwise processed so as to materially change its original condition.

"(f) The term 'milk industry,' when used in this Act, shall mean producers, distributors, and processors of milk and milk products as defined in this Act.

"(g) The term 'milk products,' when used under this Act, shall mean all products of fluid milk, such as sour and sweet cream, butter, cheese, ice cream, condensed milk, evaporated milk, powdered milk, buttermilk or chocolate milk, or other flavored milks.

"(h) The term 'Commissioner,' when used in this Act, shall mean the Commissioner of Agriculture of the State of Texas.

"Sec. 3. Upon written application to the Commissioner by one or more producers' associations, duly organized under the Co-operating Marketing Act of Texas, or any other representative group, engaged in the milk industry, the Commissioner may approve a code, codes, or agreements of fair competition and trade practices for the milk industry of Texas, or any subdivision thereof, represented by the applicant or applicants if the Commissioner finds:

"(a) That such associations or groups impose no inequitable restrictions on admission therein and are truly representative of a majority of said milk industry or such subdivision thereof as may be defined in said code, codes, or agreements.

"(b) That said code, codes, or agreements are not designed to promote monopolies or to wrongfully eliminate any enterprise and will not operate to discriminate against any person engaged in the milk industry, and will tend to effectuate the policies of this Act. The Commissioner may, as a condition of his approval of any code, codes, or agreements (including

requirements for the making of reports and the keeping of accounts), impose such conditions for the protection of consumers, competitors, employers, and others in the furtherance of public welfare, as the Commissioner in his discretion may deem necessary to effectuate the policies herein declared.

"Sec. 4. Every distributor and every processor of milk products, as defined in this Act, shall apply to the Commissioner for a certificate of authority to engage in such milk industry and no distributor or processor after the effective date of said code, codes, or agreements shall engage in or carry on any milk industry in any area where such code, codes, or agreements are in effect without such certificate of authority. Every person required to procure a certificate of authority shall pay to the Commissioner one dollar (\$1) for each certificate issued.

"Sec. 5. After the Commissioner shall have approved such code, codes, or agreements, the provisions thereof shall be the standard of fair competition for such milk industry within the area defined in such code, codes, or agreements, and any violation of such standards in any transaction in or affecting the milk industry in such area shall be deemed to be an unfair method of competition within the meaning of this Act. Any violation of any provision of such code, codes, or agreements shall be punishable as herein provided for in Section 9 hereof."

"Sec. 6. Any district court in the State of Texas having jurisdiction over the territory or any portion thereof where such code, codes, or agreements are made effective is hereby invested with jurisdiction to prevent and restrain violations of any such code, codes, or agreements of fair competition approved under this Act by the Commissioner, and it shall be the duty of the several district attorneys authorized to act in said localities to institute, under the direction of the Commissioner, proceedings in equity to restrain such violations.

"Sec. 7. Any code, codes, or agreements approved by the Commissioner under authority of this title may be amended, changed, enlarged, modified, or suspended upon the application of

seventy-five per cent (75%) of the producers and seventy-five per cent (75%) of the distributors operating in the area where such code, codes, or agreements are effective, after due notice and public hearing has been held thereon.

"Sec. 8. It shall be the duty of the Commissioner, in approving and promulgating such code, codes, or agreements of fair competition in any defined area, to publish in a newspaper having circulation in such defined area, in three consecutive issues thereof, a notice of the establishment of such code, codes, or agreements, advising interested parties in such advertisements where copies of agreements may be obtained upon application.

"Sec. 9. The Commissioner may suspend or revoke such certificate of authority after due notice and opportunity for hearing for violations of the terms and conditions thereof. It is declared to be the intention of the Legislature that the Commissioner in the enforcement of this Act shall conform to codes of fair practice as set up under the authority of the National Industrial Recovery Act. Any distributor or processor who, without such a certificate of authority or in violation of any condition thereof, carries on any transaction in the intrastate handling of milk or milk products for which a certificate of authority is so required shall, upon conviction thereof, be fined not more than five hundred dollars (\$500), or imprisoned not more than six (6) months, or both, and each day such violation continues shall be deemed a separate offense.

"Sec. 10. Any code, codes, or agreements authorized hereunder shall provide for the necessary funds for the administration thereof. These funds shall include a sum not to exceed one-tenth (1/10) of one cent per one hundred pounds of milk, or fraction thereof, to be levied on the maximum daily volume of milk handled, which shall, with all other fees for the certificate of authority, be paid into the Treasury of the State of Texas, and shall be placed to the credit of a special milk enforcement fund and so much of said fund as is necessary is hereby appropriated for the purposes of the enforcement of the provisions of this Act. All expenses necessary

in the administration of this Act shall be paid by warrants issued by the Comptroller of Public Accounts on vouchers approved by the Commissioner.

"Sec. 11. If any section or provision of this Act shall be declared unconstitutional or invalid for any reason, such decision shall not affect any other provision or portion of this Act, and such other provision or provisions shall remain in full force and effect.

"Sec. 12. The importance of the matters covered by this Act, the emergency declared to be existing, and the necessity for affording and supplying a constant and sufficient quantity of properly prepared and sanitarily protected supply of fluid milk for the people of Texas, and the fact that there is now no adequate law regulating matters provided for herein, and the further fact that neither the Agricultural Adjustment Act nor the National Industrial Recovery Act of the Federal Government applies to business moving in intrastate commerce in the State of Texas create such an emergency and imperative public necessity that the constitutional rule, requiring bills to be read on three several days in each House, should be suspended, and the said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

Mr. Fain offered the following amendments to the committee amendment:

(1)

Amend committee amendment to House Bill No. 43, page 2, line 17, by substituting the word "secretion" for the word "solution."

(2)

Amend committee amendment to House Bill No. 43, page 2, at the end of line 40, by changing the word "of" to the word "if."

(3)

Amend committee amendment to House Bill No. 43, page 4, line 1, by adding, after the word "several," and before the word "district," the words "county and."

(4)

Amend committee amendment to House Bill No. 43, page 4, line 35, by

striking out the word "per" after the first word "one"; all of line 36; and in line 37 the words "of milk handled," and insert in lieu thereof, the words "its equivalent."

(5)

Amend committee amendment to House Bill No. 43, page 4, by inserting between lines 17 and 18 the following:

"Such advertisements shall be deemed legal notice to all parties interested in the production, handling, processing, marketing, or distribution of such fluid milk, or the products of such fluid milk, produced in that defined area, and all such parties shall then and thereafter be bound by the provisions of such code, codes, and agreements, and be liable for the penalties provided herein for violations thereof."

The amendments were severally adopted.

Mr. Walker offered the following amendment to the bill:

Amend House Bill No. 43 by striking out the enacting clause, if the bill has such a clause.

Mr. Mathis moved to table the amendment.

Question recurring on the motion, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—54

Alexander.	Hyder.
Barrett.	Jackson.
Bedford.	James.
Bradley.	Jefferson.
Camp.	Jones of Atascosa.
Cathey.	Laird.
Cowley.	Latham.
Duvall.	Lemens.
Engelhard.	Lotief.
Fain.	Mackay.
Few.	Mathis.
Ford.	McCullough.
Fuchs.	Metcalfe.
Griffith.	Moffett.
Harrison.	Moore.
Hartzog.	Morrison.
Hester.	Morse.
Hill of Brazoria.	Nicholson.
Hodges.	Parkhouse.
Holland.	Pavlica.
Holloway.	Pope.
Hoskins.	Ratliff.
Hughes.	Rollins.
Hunt.	Shannon.

Smith.
Stovall.
Stubbeman.

Tarwater.
Van Zandt.
Weinert.

Nays—62

Adamson.	Long.
Aikin.	Magee.
Alsup.	Merritt.
Baker.	Mitcham.
Beck.	Munson.
Bourne.	Puryear.
Burns.	Ramsey.
Calvert.	Ray.
Canon.	Reed of Bowie.
Caven.	Reed of Dallas.
Chastain.	Renfro.
Clayton.	Riddle.
Coombes.	Rogers of Hunt.
Crossley.	Rogers
Davidson.	of Ochiltree.
Devall.	Russell.
Dunagan.	Scott.
Fisher.	Shults.
Glass.	Stinson.
Golson.	Sullivant.
Good.	Tennyson.
Goodman.	Thomas.
Graves.	Tillery.
Hankamer.	Townsend.
Head.	Turlington.
Hicks.	Vaughan.
Hill of Webb.	Wagstaff.
Huddleston.	Walker.
Jones of Runnels.	Winningham.
Jones of Shelby.	Wood.
Kyle of Palo Pinto.	Young.
Lindsey.	

Present—Not Voting

McClain.

Absent

Anderson.	Kyle of Hays.
Barron.	Leonard.
Butler.	McDougald.
Celaya.	McGregor.
Colson.	McKee.
Daniel.	Palmer.
Dean.	Patterson.
Dunlap.	Reader.
Dwyer.	Roberts.
Harman.	Ross.
Harris.	Savage.
Holekamp.	Scarborough.
Hunter.	Stanfield.
Johnson	Steward.
of Anderson.	Wells.

Absent—Excused

Greathouse. Kayton.
Johnson of Dimmit.

Question recurring on the amendment by Mr. Walker, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—51

Adamson.	Jones of Runnels.
Alsup.	Jones of Shelby.
Baker.	Kyle of Hays.
Beck.	Lindsey.
Bourne.	Long.
Burns.	Merritt.
Calvert.	Mitcham.
Chastain.	Morrison.
Clayton.	Munson.
Coombes.	Puryear.
Crossley.	Ramsey.
Devall.	Riddle.
Fisher.	Rogers of Hunt.
Glass.	Rogers
Golson.	of Ochiltree.
Good.	Russell.
Goodman.	Scarborough.
Hankamer.	Stinson.
Harrison.	Tennyson.
Hester.	Thomas.
Hicks.	Tillery.
Hill of Webb.	Townsend.
Huddleston.	Vaughan.
Hunt.	Walker.
Hunter.	Winningham.
Jackson.	Wood.

Nays—76

Aikin.	Jones of Atascosa.
Alexander.	Kyle of Palo Pinto.
Anderson.	Laird.
Barrett.	Latham.
Bedford.	Lemens.
Bradley.	Lotief.
Canon.	Mackay.
Cathey.	Magee.
Caven.	Mathis.
Cowley.	McClain.
Davidson.	McCullough.
Dean.	McDougald.
Dunagan.	McKee.
Duvall.	Metcalfe.
Engelhard.	Moffett.
Fain.	Moore.
Few.	Morse.
Ford.	Nicholson.
Fuchs.	Parkhouse.
Graves.	Pavlica.
Griffith.	Pope.
Harris.	Ratliff.
Hartzog.	Ray.
Head.	Reed of Bowie.
Hill of Brazoria.	Reed of Dallas.
Hodges.	Roberts.
Holekamp.	Rollins.
Holland.	Scott.
Holloway.	Shannon.
Hoskins.	Shults.
Hughes.	Smith.
Hyder.	Stanfield.
James.	Steward.
Jefferson.	Stovall.

Stubbeman.	Van Zandt.
Sullivant.	Wagstaff.
Tarwater.	Weinert.
Turlington.	Young.

Present—Not Voting

Reader.

Absent

Barron.	Johnson
Butler.	of Anderson.
Camp.	Leonard.
Celaya.	McGregor.
Colson.	Palmer.
Daniel.	Patterson.
Dunlap.	Renfro.
Dwyer.	Ross.
Harman.	Savage.
	Wells.

Absent—Excused

Greathouse.	Kayton.
Johnson of Dimmit.	

Mr. Alsup moved that the bill be re-committed to the Committee on Agriculture.

The motion was lost by the following vote:

Yeas—64

Adamson.	Lemens.
Aikin.	Lindsey.
Alsup.	Long.
Anderson.	McKee.
Baker.	Merritt.
Beck.	Mitcham.
Bourne.	Morrison.
Burns.	Munson.
Calvert.	Puryear.
Caven.	Ramsey.
Celaya.	Ratliff.
Chastain.	Reader.
Clayton.	Reed of Bowie.
Coombes.	Reed of Dallas.
Cowley.	Renfro.
Davidson.	Riddle.
Devall.	Rogers of Hunt.
Dunagan.	Rogers
Fisher.	of Ochiltree.
Golson.	Russell.
Good.	Scarborough.
Goodman.	Scott.
Hankamer.	Stinson.
Harrison.	Sullivant.
Hester.	Thomas.
Hicks.	Tillery.
Huddleston.	Turlington.
Hunt.	Vaughan.
Hunter.	Wagstaff.
Jackson.	Winningham.
Jones of Shelby.	Wood.
Kyle of Hays.	Young.
Kyle of Palo Pinto.	

Nays—65

Alexander.	Latham.
Barrett.	Lotief.
Bedford.	Mackay.
Bradley.	Magee.
Canon.	Mathis.
Cathey.	McClain.
Crossley.	McCullough.
Dean.	Metcalfe.
Dunlap.	Moffett.
Duvall.	Moore.
Engelhard.	Morse.
Fain.	Nicholson.
Few.	Parkhouse.
Ford.	Pavlica.
Fuchs.	Pope.
Glass.	Ray.
Graves.	Roberts.
Griffith.	Rollins.
Harris.	Savage.
Hartzog.	Shannon.
Head.	Shults.
Hill of Brazoria.	Smith.
Hodges.	Stanfield.
Holekamp.	Steward.
Holland.	Stovall.
Holloway.	Stubbeman.
Hoskins.	Tarwater.
Hughes.	Tennyson.
Hyder.	Townsend.
James.	Van Zandt.
Jefferson.	Walker.
Jones of Runnels.	Weinert.
Laird.	

Absent

Barron.	Jones of Atascosa.
Butler.	Leonard.
Camp.	McDougald.
Colson.	McGregor.
Daniel.	Palmer.
Dwyer.	Patterson.
Harman.	Ross.
Hill of Webb.	Wells.
Johnson of Anderson.	

Absent—Excused

Greathouse.	Kayton.
Johnson of Dimmit.	

Mr. Good offered the following amendment to the bill:

Amend House Bill No. 43, at the proper place, by providing that there shall be two teats plugged on each dairy cow, and further provided that these plugged teats shall be charged to the Federal Government on a plan similar to the cotton reduction plan.

GOOD,
HICKS,
ROLLINS.

The amendment was lost.

Mr. Aikin offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 43 by striking out Section 4.

AIKIN,
WAGSTAFF,
MORRISON.

(Mr. Duvall in the Chair.)

Question—Shall the amendment by Mr. Aikin be adopted?

SENATE BILL NO. 41 ON FINAL PASSAGE

Mr. Wells moved to reconsider the vote by which Senate Bill No. 41 was passed.

The motion to reconsider prevailed.

Mr. Bedford moved to reconsider the vote by which the amendment, heretofore offered by Mr. Bedford to Section 1 of the bill, was adopted.

The motion to reconsider prevailed.

Mr. Bedford withdrew the pending amendment, and offered the following amendment in lieu thereof:

Amend Senate Bill No. 41 by striking out Section 1, and inserting in lieu thereof the following:

"Section 1. That the salaries and compensation of the county commissioners in counties with a population of not less than 77,777 nor more than 78,000, according to the last Federal Census, and in counties with a population of not less than 64,000 nor more than 65,000, according to the last Federal Census, shall be \$2,400 per annum, payable in monthly installments of \$200 per month."

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes made in the body of the bill.

Senate Bill No. 41 was then passed by the following vote:

Yeas—104

Adamson.	Bourne.
Aikin.	Bradley.
Alexander.	Burns.
Alsup.	Camp.
Anderson.	Canon.
Baker.	Cathey.
Barrett.	Chastain.
Bedford.	Colson.

Cowley.	Metcalfe.
Crossley.	Mitcham.
Davidson.	Morrison.
Dunagan.	Morse.
Duvall.	Munson.
Fain.	Nicholson.
Few.	Palmer.
Fisher.	Parkhouse.
Fuchs.	Pavlica.
Glass.	Puryear.
Golson.	Ramsey.
Good.	Ratliff.
Graves.	Ray.
Hankamer.	Reader.
Harman.	Reed of Bowie.
Harris.	Reed of Dallas.
Harrison.	Renfro.
Head.	Riddle.
Hester.	Roberts.
Hill of Webb.	Rogers
Hodges.	of Ochiltree.
Holekamp.	Rollins.
Holland.	Ross.
Hoskins.	Russell.
Huddleston.	Scarborough.
Hughes.	Shannon.
Hunt.	Shults.
Hyder.	Steward.
Jackson.	Stinson.
Jefferson.	Stovall.
Jones of Atascosa.	Stubbeman.
Jones of Runnels.	Sullivant.
Jones of Shelby.	Tennyson.
Kyle of Hays.	Thomas.
Laird.	Tillery.
Latham.	Townsend.
Lemens.	Turlington.
Leonard.	Van Zandt.
Lindsey.	Vaughan.
Lotief.	Wagstaff.
Magee.	Walker.
Mathis.	Weinert.
McClain.	Wells.
McCullough.	Wood.
McKee.	

Nays—1

Hicks.

Present—Not Voting

Scott.

Absent

Barron.	Goodman.
Beck.	Griffith.
Butler.	Hartzog.
Calvert.	Hill of Brazoria.
Caven.	Holloway.
Celaya.	Hunter.
Clayton.	James.
Coombes.	Johnson
Daniel.	of Anderson.
Dean.	Kyle of Palo Pinto.
Devall.	Long.
Dunlap.	Mackay.
Dwyer.	McDougald.
Engelhard.	McGregor.
Ford.	Merritt.

Moffett.	Smith.
Moore.	Stanfield.
Patterson.	Tarwater.
Pope.	Winningham.
Rogers of Hunt.	Young.
Savage.	

Absent—Excused

Greathouse.	Kayton.
Johnson	
of Dimmit.	

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, October 5, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: I am directed by the Senate
to inform the House that the Senate
has passed

H. B. No. 29, A bill to be entitled
"An Act to authorize the withdrawal
or exclusion of lands from water
control and improvement districts
which embrace lands in two or more
counties, and containing not less
than one hundred twenty-five thou-
sand (125,000) acres after the pro-
visions hereof are adopted by a two-
thirds vote of the board of directors
of any such district, by resolution,
and entered of record upon the min-
utes of such board, and a copy there-
of recorded in the office of the county
clerk of each county in which any
portion of the lands of such district
are situated; providing that no peti-
tion for exclusion of lands shall be
presented or filed unless the lands
proposed to be excluded, and therein
described, exceed five thousand (5,000)
acres; prescribing the method of pro-
cedure whereby lands may be with-
drawn or excluded from any district;
etc., and declaring an emergency."

The Senate has adopted

H. C. R. No. 9, Extending time for
filing of field notes on certain sub-
merged lands in Red Fish Bay by the
Alejandro G. Trevino Post No. 390
of the American Legion of Willacy
County.

Respectfully,
BOB BARKER,
Secretary of the Senate.

BILLS AND RESOLUTION SIGNED BY THE SPEAKER

The Speaker signed, in the presence
of the House, after giving due notice
thereof, and their captions had been
read severally, the following enrolled
bills and resolution:

H. B. No. 65, "An Act to provide for payment of the salary of the ex-officio superintendent of public instruction in all counties having not less than three thousand (3,000) and not more than three thousand one hundred (3,100) population, according to the last preceding Federal Census, from the county available school fund; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 29, "An Act to authorize the withdrawal or exclusion of lands from water control and improvement districts which embrace lands in two or more counties, and containing not less than one hundred twenty-five thousand (125,000) acres after the provisions hereof are adopted by a two-thirds vote of the board of directors of any such district, by resolution, and entered of record upon the minutes of such board, and a copy thereof recorded in the office of the county clerk of each county in which any portion of the lands of such district are situated; providing that no petition for exclusion of lands shall be presented or filed unless the lands proposed to be excluded, and therein described, exceed five thousand (5,000) acres; prescribing the method of procedure whereby lands may be withdrawn or excluded from any district; etc., and declaring an emergency."

H. C. R. No. 9, Extending time for filing certain field notes.

LEAVES OF ABSENCE GRANTED

(By Unanimous Consent)

Mr. Beck was granted leave of absence for yesterday on account of illness, on motion of Mr. Caven.

Mr. Ratliff was granted leave of absence for this afternoon on account of important business, on motion of Mr. Dean.

MESSAGES FROM THE GOVERNOR

The Speaker laid before the House, and had read, the following messages from the Governor:

Executive Office,
Austin, Texas, October 5, 1933.

To the Forty-third Legislature in First Called Session:

By request of Representative Pat Jefferson, I hereby submit for your consideration the attached bill, being

"An Act providing that no person, firm, corporation, association, partnership, contractor, or subcontractor, performing any public work for the State, or for any county, municipality, or other political subdivision of this State, shall employ any person who is not a citizen of the United States; providing forfeiture as a penalty for violation of this Act; providing that any public body may withhold any penalties assessed against a contractor, and that any contractor may withhold from any subcontractor sufficient sums to cover any penalties withheld from the contractor by the awarding body under the terms of this Act; providing that if any part of this Act shall be declared unconstitutional, the remaining provisions shall remain in full force and effect; making such employment of an alien a misdemeanor, and providing punishment therefor; defining terms used in this Act."

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor of Texas.

Executive Office,
Austin, Texas, October 5, 1933.

To the Forty-third Legislature in First Called Session:

By request, I submit for your consideration Senate concurrent resolution, by Senator Fellbaum, granting to the Grand Lodge of the Order of the Sons of Hermann in the State of Texas permission to bring suit against the State of Texas.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor of Texas.

Executive Office,
Austin, Texas, October 5, 1933.

To the Forty-third Legislature in First Called Session:

At the request of Senator Will D. Pace, I submit herewith for your consideration the attached bill, being "An Act to amend Articles 1111, 1112, 1113, and 1114, of the Revised Civil Statutes of Texas for 1925, and amendments thereof, as passed by the Fortieth Legislature, and as amended by Chapter 32, Acts of the Third Called Session of the Forty-second Legislature, and as amended by Chapter 122, Acts of the Forty-third Legislature, Regular Session."

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor of Texas.

Executive Office,
Austin, Texas, October 5, 1933.

To the Forty-third Legislature in First
Called Session:

At the request of Representatives McDougald, Parkhouse, and Ross, I submit for your consideration a bill, hereto attached, to be entitled "An Act to amend Article 3722, of the Revised Statutes of Texas, 1925, providing for the furnishing of papers, documents, instruments, or records filed in the offices of the Secretary of State, Attorney General, Land Commissioner, Comptroller, Treasurer, Adjutant General, Commissioner of Agriculture, Commissioner of Insurance, Banking Commissioner, and State Librarian by said officials to persons making application therefor, and likewise furnishing certified copies of facts contained in the papers, instruments, documents, and records of their respective offices; providing that such certified copies shall be received in evidence in all cases in which the originals would be evidence; providing that where the laws of this State permit the filing of a copy of a paper, instrument, document, or record, in lieu of the original instrument, with one of the officials above-named, then and in that event, a copy so certified of such copy so filed shall likewise be received in evidence in all cases in which the original instrument would be evidence; repealing all laws or parts of laws in conflict with the amendment herein provided for."

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor of Texas.

Executive Office,
Austin, Texas, October 5, 1933.

To the Forty-third Legislature in First
Called Session:

By request of Representatives Merritt, McDougald, and Scott, I submit for your consideration a bill hereto attached, to be entitled "An Act to amend Subdivision 23, of Article 7047, Chapter 1, Title 122, of the Revised Civil Statutes, State of Texas, 1925, as amended by Acts, 1931, Forty-second Legislature, Regular Session, page 355, Chapter 212, Section 1, relating to an occupation tax on coin-operated vending machines, marble table machines, and similar devices, within the scope of the subdi-

vision; providing such funds to be placed to the credit of the State Available School Funds."

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor of Texas.

HOUSE BILL NO. 90 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 90, A bill to be entitled "An Act to amend Subdivision 9, Article 2135, Chapter 7, Title 42, of the Revised Civil Statutes of the State of Texas, 1925, as amended by Acts, 1931, Forty-second Legislature, page 375, Chapter 221, Section 2, so as to provide that in cities and towns having a population of one thousand (1,000) or more inhabitants, according to the last preceding United States Census, the active members of organized fire companies; etc., and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 90 ON THIRD READING

Mr. Jones of Shelby moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 90 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—120

Adamson.	Dean.
Aikin.	Devall.
Alexander.	Dunlap.
Alsup.	Duvall.
Anderson.	Dwyer.
Baker.	Engelhard.
Barrett.	Fain.
Barron.	Few.
Beck.	Fisher.
Bedford.	Ford.
Bourne.	Glass.
Burns.	Golson.
Calvert.	Griffith.
Camp.	Hankamer.
Canon.	Harris.
Caven.	Harrison.
Celaya.	Hicks.
Chastain.	Hill of Brazoria.
Clayton.	Hill of Webb.
Colson.	Hodges.
Cowley.	Holekamp.
Daniel.	Holland.

Holloway.	Ratliff.
Hoskins.	Ray.
Huddleston.	Reader.
Hughes.	Reed of Bowie.
Hyder.	Reed of Dallas.
Jackson.	Renfro.
James.	Riddle.
Jefferson.	Roberts.
Jones of Atascosa.	Rogers of Hunt.
Jones of Runnels.	Rollins.
Jones of Shelby.	Ross.
Kyle of Hays.	Russell.
Kyle of Palo Pinto.	Savage.
Latham.	Scarborough.
Lemens.	Scott.
Leonard.	Shannon.
Lindsey.	Shults.
Long.	Smith.
Lotief.	Stanfield.
Mackay.	Steward.
Magee.	Stinson.
McClain.	Stovall.
McCullough.	Stubbeman.
McDougald.	Tarwater.
Merritt.	Tennyson.
Metcalfe.	Thomas.
Mitcham.	Tillery.
Moffett.	Townsend.
Moore.	Turlington.
Morrison.	Van Zandt.
Morse.	Vaughan.
Munson.	Wagstaff.
Nicholson.	Walker.
Palmer.	Weinert.
Parkhouse.	Wells.
Pope.	Winningham.
Puryear.	Wood.
Ramsey.	Young.

Present—Not Voting

Hunt.	Hunter.
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Absent

Bradley.	Head.
Butler.	Hester.
Cathey.	Johnson
Coombes.	of Anderson.
Crossley.	Laird.
Davidson.	Mathis.
Dunagan.	McGregor.
Fuchs.	McKee.
Good.	Patterson.
Goodman.	Pavlica.
Graves.	Rogers
Harman.	of Ochiltree.
Hartzog.	Sullivant.

Absent—Excused

Greathouse.	Kayton.
Johnson of Dimmit.	

The Speaker then laid House Bill No. 90 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—125

Adamson.	Latham.
Aikin.	Lemens.
Alexander.	Leonard.
Alsup.	Lindsey.
Anderson.	Long.
Baker.	Lotief.
Barrett.	Mackay.
Barron.	Magee.
Beck.	McClain.
Bedford.	McCullough.
Bourne.	McDougald.
Burns.	McKee.
Calvert.	Merritt.
Camp.	Metcalfe.
Canon.	Mitcham.
Caven.	Moffett.
Celaya.	Moore.
Chastain.	Morrison.
Clayton.	Morse.
Colson.	Munson.
Cowley.	Nicholson.
Crossley.	Palmer.
Daniel.	Parkhouse.
Davidson.	Pope.
Dean.	Puryear.
Devall.	Ramsey.
Dunlap.	Ratliff.
Dunagan.	Ray.
Duvall.	Reader.
Dwyer.	Reed of Bowie.
Engelhard.	Reed of Dallas.
Fain.	Renfro.
Few.	Riddle.
Fisher.	Roberts.
Ford.	Rogers of Hunt.
Glass.	Rollins.
Golson.	Ross.
Good.	Russell.
Goodman.	Savage.
Griffith.	Scarborough.
Hankamer.	Scott.
Harrison.	Shannon.
Hartzog.	Shults.
Hicks.	Smith.
Hill of Brazoria.	Stanfield.
Hill of Webb.	Steward.
Hodges.	Stinson.
Holekamp.	Stovall.
Holland.	Stubbeman.
Holloway.	Tarwater.
Huddleston.	Tennyson.
Hughes.	Thomas.
Hunt.	Tillery.
Hyder.	Townsend.
Jackson.	Turlington.
James.	Vaughan.
Jefferson.	Wagstaff.
Jones of Atascosa.	Walker.
Jones of Runnels.	Weinert.
Jones of Shelby.	Winningham.
Kyle of Hays.	Wood.
Kyle of Palo Pinto.	Young.
Laird.	

Nays—1

Harris.

Present—Not Voting

Hunter.

Absent

Bradley.	Johnson
Butler.	of Anderson.
Cathey.	Mathis.
Coombes.	McGregor.
Fuchs.	Patterson.
Graves.	Pavlica.
Harman.	Rogers
Head.	of Ochiltree.
Hester.	Sullivant.
Hoskins.	Van Zandt.
	Wells.

Absent—Excused

Greathouse.	Kayton.
Johnson of Dimmit.	

(Mr. Duvall in the Chair.)

HOUSE BILL NO. 78 ON SECOND
READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 78, A bill to be entitled "An Act to declare the validity of certain indebtedness arising out of the construction of State Highway No. 41, in the County of Real; to place such indebtedness on a parity with bonds, warrants, and other evidences of indebtedness heretofore authorized to be paid out of the County and Road District Highway Fund; providing for the payment of such indebtedness to Real County in trust for Captain Charles Schreiner, his heirs, and legatees; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 78 ON THIRD
READING

Mr. Stevenson moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 78 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—134

Mr. Speaker.	Aikin.
Adamson.	Alexander.

Alsup.	Leonard.
Anderson.	Lindsey.
Baker.	Long.
Barrett.	Lotief.
Barron.	Mackay.
Beck.	Magee.
Bedford.	Mathis.
Bourne.	McClain.
Bradley.	McCullough.
Calvert.	McDougald.
Canon.	McKee.
Cathey.	Merritt.
Caven.	Metcalfe.
Celaya.	Mitcham.
Chastain.	Moffett.
Clayton.	Moore.
Colson.	Morrison.
Coombes.	Morse.
Cowley.	Munson.
Crossley.	Nicholson.
Davidson.	Palmer.
Dean.	Parkhouse.
Devall.	Pavlica.
Dunlap.	Pope.
Dunagan.	Puryear.
Dwyer.	Ramsey.
Engelhard.	Ratliff.
Fain.	Ray.
Few.	Reader.
Fisher.	Reed of Dallas.
Ford.	Renfro.
Fuchs.	Riddle.
Glass.	Roberts.
Golson.	Rogers of Hunt.
Good.	Rogers
Goodman.	of Ochiltree.
Graves.	Rollins.
Griffith.	Ross.
Hankamer.	Russell.
Harris.	Savage.
Harrison.	Scarborough.
Hartzog.	Scott.
Hester.	Shannon.
Hicks.	Shults.
Hill of Brazoria.	Smith.
Hill of Webb.	Stanfield.
Hodges.	Steward.
Holekamp.	Stinson.
Holland.	Stovall.
Holloway.	Stubbeman.
Hoskins.	Sullivant.
Huddleston.	Tarwater.
Hughes.	Tennyson.
Hunt.	Thomas.
Hunter.	Tillery.
Jackson.	Townsend.
James.	Turlington.
Jefferson.	Van Zandt.
Jones of Atascosa.	Vaughan.
Jones of Runnels.	Wagstaff.
Jones of Shelby.	Walker.
Kyle of Hays.	Weinert.
Kyle of Palo Pinto.	Winningham.
Laird.	Wood.
Latham.	Young.
Lemens.	

Absent

Burns.	Hyder.
Butler.	Johnson
Camp.	of Anderson.
Daniel.	McGregor.
Duvall.	Patterson.
Harman.	Reed of Bowie.
Head.	Wells.

Absent—Excused

Greathouse.	Kayton.
Johnson of Dimmit.	

The Speaker then laid House Bill No. 78 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—137

Mr. Speaker.	Harrison.
Adamson.	Hartzog.
Aikin.	Head.
Alexander.	Hester.
Alsup.	Hicks.
Anderson.	Hill of Brazoria.
Baker.	Hill of Webb.
Barrett.	Hodges.
Barron.	Holekamp.
Beck.	Holland.
Bedford.	Holloway.
Bourne.	Huddleston.
Bradley.	Hughes.
Burns.	Hunt.
Calvert.	Hunter.
Canon.	Jackson.
Cathey.	James.
Caven.	Jones of Atascosa.
Celaya.	Jones of Runnels.
Chastain.	Jones of Shelby.
Clayton.	Kyle of Hays.
Colson.	Kyle of Palo Pinto.
Coombes.	Laird.
Cowley.	Latham.
Crossley.	Lemens.
Daniel.	Leonard.
Davidson.	Lindsey.
Dean.	Long.
Devall.	Lotief.
Dunlap.	Mackay.
Dunagan.	Magee.
Engelhard.	Mathis.
Fain.	McClain.
Few.	McCullough.
Fisher.	McDougald.
Ford.	McKee.
Fuchs.	Merritt.
Glass.	Metcalfe.
Golson.	Mitcham.
Good.	Moffett.
Goodman.	Moore.
Graves.	Morrison.
Griffith.	Morse.
Hankamer.	Munson.
Harris.	Nicholson.

Palmer.	Shults.
Parkhouse.	Smith.
Pavlica.	Stanfield.
Pope.	Steward.
Puryear.	Stinson.
Ramsey.	Stovall.
Ratliff.	Stubbeman.
Ray.	Sullivant.
Reader.	Tarwater.
Reed of Bowie.	Tennyson.
Reed of Dallas.	Thomas.
Renfro.	Tillery.
Riddle.	Townsend.
Roberts.	Turlington.
Rogers of Hunt.	Van Zandt.
Rogers	Vaughan.
of Ochiltree.	Wagstaff.
Rollins.	Walker.
Ross.	Weinert.
Russell.	Wells.
Savage.	Winningham.
Scarborough.	Wood.
Scott.	Young.
Shannon.	

Absent

Butler.	Hyder.
Camp.	Jefferson.
Duvall.	Johnson
Dwyer.	of Anderson.
Harman.	McGregor.
Hoskins.	Patterson.

Absent—Excused

Greathouse.	Kayton.
Johnson of Dimmit.	

(Speaker in the Chair.)

HOUSE BILL NO. 145 ON SECOND READING

Mr. McDougald moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 145 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—115

Adamson.	Cathey.
Aikin.	Caven.
Alexander.	Celaya.
Alsup.	Chastain.
Anderson.	Colson.
Baker.	Coombes.
Barrett.	Cowley.
Barron.	Crossley.
Bourne.	Daniel.
Bradley.	Dean.
Burns.	Dunlap.
Calvert.	Dunagan.
Canon.	Fain.

Few.	Moore.
Fisher.	Morrison.
Ford.	Morse.
Fuchs.	Munson.
Glass.	Palmer.
Golson.	Parkhouse.
Goodman.	Pavlica.
Griffith.	Pope.
Hankamer.	Puryear.
Harris.	Ramsey.
Hartzog.	Ratliff.
Head.	Reader.
Hester.	Reed of Bowie.
Hicks.	Reed of Dallas.
Hill of Webb.	Riddle.
Hodges.	Roberts.
Holekamp.	Rogers
Holland.	of Ochiltree.
Holloway.	Rollins.
Hoskins.	Ross.
Huddleston.	Russell.
Hughes.	Savage.
Hunt.	Scarborough.
Jackson.	Scott.
James.	Shannon.
Jefferson.	Shults.
Jones of Runnels.	Smith.
Jones of Shelby.	Stanfield.
Kyle of Hays.	Stinson.
Kyle of Palo Pinto.	Stovall.
Laird.	Stubbsman.
Latham.	Sullivant.
Lemens.	Tarwater.
Leonard.	Tennyson.
Lindsey.	Thomas.
Long.	Tillery.
Mathis.	Townsend.
McClain.	Turlington.
McCullough.	Van Zandt.
McDougald.	Wagstaff.
McKee.	Walker.
Merritt.	Weinert.
Metcalfe.	Wells.
Mitcham.	Winningham.
Moffett.	Young.

Absent

Beck.	Hyder.
Bedford.	Johnson
Butler.	of Anderson.
Camp.	Jones of Atascosa.
Clayton.	Lotief.
Davidson.	Mackay.
Devall.	Magee.
Duvall.	McGregor.
Dwyer.	Nicholson.
Engelhard.	Patterson.
Good.	Ray.
Graves.	Renfro.
Harman.	Rogers of Hunt.
Harrison.	Steward.
Hill of Brazoria.	Vaughan.
Hunter.	Wood.

Absent—Excused

Greathouse.	Kayton.
Johnson of Dimmit.	

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 145, A bill to be entitled "An Act amending Article 1041, of the Revised Code of Criminal Procedure of Texas, by adding thereto Article 1041-a, providing for the compensation of jailers and or turn-keys in all counties in the State having a population of one hundred thousand and one (100,001) inhabitants and not more than one hundred and fifty thousand (150,000) inhabitants, and containing two cities of fifty thousand (50,000) population or more, each according to the last preceding Federal Census, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 145 ON THIRD READING

The Speaker then laid House Bill No. 145 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—113

Adamson.	Good.
Aikin.	Goodman.
Alexander.	Griffith.
Anderson.	Hankamer.
Baker.	Harris.
Barrett.	Hartzog.
Barron.	Head.
Beck.	Hicks.
Bourne.	Hill of Brazoria.
Bradley.	Hill of Webb.
Burns.	Holekamp.
Calvert.	Holloway.
Canon.	Huddleston.
Cathey.	Hughes.
Caven.	Hyder.
Celaya.	Jackson.
Chastain.	James.
Clayton.	Jefferson.
Colson.	Jones of Atascosa.
Coombes.	Jones of Runnels.
Cowley.	Jones of Shelby.
Crossley.	Kyle of Hays.
Daniel.	Kyle of Palo Pinto.
Dean.	Laird.
Dunlap.	Latham.
Dunagan.	Leonard.
Fain.	Lindsey.
Few.	Long.
Fisher.	Magee.
Ford.	Mathis.
Fuchs.	McClain.
Glass.	McCullough.
Golson.	McDougald.

McKee.	Russell.
Merritt.	Savage.
Metcalfe.	Scarborough.
Mitcham.	Scott.
Moffett.	Shannon.
Moore.	Shults.
Morrison.	Smith.
Morse.	Stanfield.
Munson.	Steward.
Palmer.	Stinson.
Parkhouse.	Stovall.
Pavlica.	Stubbeman.
Puryear.	Sullivant.
Ramsey.	Tarwater.
Ratliff.	Tennyson.
Reed of Bowie.	Thomas.
Reed of Dallas.	Townsend.
Renfro.	Turlington.
Riddle.	Van Zandt.
Roberts.	Wagstaff.
Rogers	Walker.
of Ochiltree.	Weinert.
Rollins.	Wells.
Ross.	Young.

Absent

Alsup.	Hunter.
Bedford.	Johnson
Butler.	of Anderson.
Camp.	Lemens.
Davidson.	Lotief.
Devall.	Mackay.
Duvall.	McGregor.
Dwyer.	Nicholson.
Engelhard.	Patterson.
Graves.	Pope.
Harman.	Ray.
Harrison.	Reader.
Hester.	Rogers of Hunt.
Hodges.	Tillery.
Holland.	Vaughan.
Hoskins.	Winningham.
Hunt.	Wood.

Absent—Excused

Greathouse.	Kayton.
Johnson	
of Dimmit.	

HOUSE BILL NO. 146 ON SECOND
READING

Mr. Dunagan moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 146 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—109

Adamson.	Alsup.
Aikin.	Anderson.
Alexander.	Baker.

Barrett.	Lindsey.
Barron.	Long.
Beck.	Lotief.
Bedford.	Mackay.
Bourne.	Magee.
Bradley.	Mathis.
Burns.	McClain.
Calvert.	McDougald.
Canon.	McKee.
Cathey.	Merritt.
Caven.	Metcalfe.
Celaya.	Mitcham.
Chastain.	Moffett.
Clayton.	Moore.
Colson.	Morrison.
Coombes.	Morse.
Cowley.	Munson.
Crossley.	Nicholson.
Daniel.	Palmer.
Dean.	Pavlica.
Dunlap.	Puryear.
Dunagan.	Ramsey.
Fain.	Ratliff.
Few.	Reader.
Fisher.	Reed of Bowie.
Ford.	Reed of Dallas.
Fuchs.	Renfro.
Glass.	Riddle.
Golson.	Roberts.
Good.	Rollins.
Griffith.	Ross.
Hankamer.	Russell.
Harris.	Scarborough.
Hartzog.	Scott.
Head.	Shannon.
Hicks.	Shults.
Hill of Brazoria.	Smith.
Hill of Webb.	Stanfield.
Holland.	Steward.
Holloway.	Stovall.
Huddleston.	Stubbeman.
Hyder.	Sullivant.
Jackson.	Tennyson.
James.	Thomas.
Jefferson.	Van Zandt.
Jones of Runnels.	Wagstaff.
Jones of Shelby.	Walker.
Kyle of Hays.	Weinert.
Kyle of Palo Pinto.	Wells.
Laird.	Wood.
Latham.	Young.
Leonard.	

Nays—1

Hunt.

Present—Not Voting

Hunter.

Absent

Butler.	Graves.
Camp.	Harman.
Davidson.	Harrison.
Devall.	Hester.
Duvall.	Hodges.
Dwyer.	Holekamp.
Engelhard.	Hoskins.
Goodman.	Hughes.

Johnson of Anderson.	Rogers of Ochiltree.
Jones of Atascosa.	Savage.
Lemens.	Stinson.
McCullough.	Tarwater.
McGregor.	Tillery.
Parkhouse.	Townsend.
Patterson.	Turlington.
Pope.	Vaughan.
Ray.	Winningham.
Rogers of Hunt.	

Absent—Excused

Greathouse.	Kayton.
Johnson of Dimmit.	

The Speaker then laid before the House, on its second reading and passage to engrossment.

H. B. No. 146, A bill to be entitled "An Act to fix the salaries and compensation of county commissioners in counties with a population of not less than 22,296 nor more than 22,580, according to the last Federal Census, and providing for the manner and the fund from which said salaries shall be paid, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 146 ON THIRD READING

The Speaker then laid House Bill No. 146 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—112

Adamson.	Dunagan.
Aikin.	Few.
Alexander.	Fisher.
Alsup.	Ford.
Anderson.	Fuchs.
Barrett.	Glass.
Barron.	Golson.
Beck.	Good.
Bedford.	Goodman.
Bourne.	Griffith.
Bradley.	Hankamer.
Burns.	Harris.
Canon.	Hartzog.
Cathey.	Head.
Caven.	Hicks.
Chastain.	Hill of Brazoria.
Clayton.	Hill of Webb.
Colson.	Hodges.
Coombes.	Holekamp.
Cowley.	Holland.
Crossley.	Holloway.
Daniel.	Hoskins.
Dean.	Huddleston.
Dunlap.	Hughes.

Hunt.	Ratliff.
Hunter.	Ray.
Hyder.	Reader.
Jackson.	Reed of Bowie.
James.	Reed of Dallas.
Jones of Shelby.	Renfro.
Kyle of Hays.	Riddle.
Kyle of Palo Pinto.	Roberts.
Laird.	Rogers
Latham.	of Ochiltree.
Leonard.	Rollins.
Lindsey.	Ross.
Long.	Russell.
Lotief.	Scarborough.
Mackay.	Shannon.
Magee.	Shults.
Mathis.	Stanfield.
McClain.	Steward.
McCullough.	Stovall.
McDougald.	Stubbeman.
McKee.	Sullivant.
Metcalf.	Tarwater.
Mitcham.	Tennyson.
Moffett.	Thomas.
Morrison.	Townsend.
Morse.	Van Zandt.
Munson.	Wagstaff.
Nicholson.	Walker.
Palmer.	Weinert.
Pavlica.	Wells.
Pope.	Wood.
Puryear.	Young.
Ramsey.	

Nays—4

Baker.	Fain.
Calvert.	Merritt.

Present—Not Voting

Scott.

Absent

Butler.	Jones of Atascosa.
Camp.	Jones of Runnels.
Celaya.	Lemens.
Davidson.	McGregor.
Devall.	Moore.
Duvall.	Parkhouse.
Dwyer.	Patterson.
Engelhard.	Rogers of Hunt.
Graves.	Savage.
Harman.	Smith.
Harrison.	Stinson.
Hester.	Tillery.
Jefferson.	Turlington.
Johnson	Vaughan.
of Anderson.	Winningham.

Absent—Excused

Greathouse.	Kayton.
Johnson of Dimmit.	

HOUSE BILL NO. 147 ON SECOND READING

Mr. Holland moved that the constitutional rule, requiring bills to be

read on three several days, be suspended, and that House Bill No. 147 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—114

Adamson.	Kyle of Hays.
Aikin.	Laird.
Alsup.	Latham.
Anderson.	Lindsey.
Barrett.	Long.
Barron.	Lotief.
Beck.	Mackay.
Bedford.	Magee.
Bourne.	Mathis.
Bradley.	McClain.
Burns.	McCullough.
Calvert.	McDougald.
Canon.	McKee.
Cathey.	Merritt.
Caven.	Metcalfe.
Celaya.	Mitcham.
Clayton.	Moffett.
Colson.	Moore.
Coombes.	Morrison.
Crossley.	Morse.
Daniel.	Munson.
Davidson.	Palmer.
Dean.	Pavlica.
Dunlap.	Puryear.
Dunagan.	Ramsey.
Duvall.	Ratliff.
Fain.	Ray.
Few.	Reed of Bowie.
Ford.	Reed of Dallas.
Fuchs.	Renfro.
Glass.	Riddle.
Golson.	Roberts.
Good.	Rogers
Goodman.	of Ochiltree.
Griffith.	Rollins.
Hankamer.	Ross.
Hartzog.	Russell.
Head.	Scarborough.
Hester.	Shannon.
Hicks.	Shults.
Hill of Brazoria.	Smith.
Hill of Webb.	Stanfield.
Hodges.	Steward.
Holekamp.	Stinson.
Holland.	Stubbeman.
Holloway.	Sullivant.
Hoskins.	Tarwater.
Huddleston.	Tennyson.
Hughes.	Thomas.
Hunt.	Van Zandt.
Hunter.	Vaughan.
Hyder.	Wagstaff.
Jackson.	Walker.
James.	Wells.
Jefferson.	Winningham.
Jones of Runnels.	Wood.
Jones of Shelby.	Young.
Pope.	

Absent

Alexander.	Kyle of Palo Pinto.
Baker.	Lemens.
Butler.	Leonard.
Camp.	McGregor.
Chastain.	Nicholson.
Cowley.	Parkhouse.
Devall.	Patterson.
Dwyer.	Reader.
Engelhard.	Rogers of Hunt.
Fisher.	Savage.
Graves.	Scott.
Harman.	Stovall.
Harris.	Tillery.
Harrison.	Townsend.
Johnson	Turlington.
of Anderson.	Weinert.
Jones of Atascosa.	

Absent—Excused

Greathouse.	Kayton.
Johnson of Dimmit.	

The Speaker then laid before the House on its second reading and passage to engrossment,

H. B. No. 147, A bill to be entitled "An Act to amend Article 1970, Section 94-b, of the Revised Civil Statutes of 1925, as amended by Chapter 16, Section 6, of the Acts of the Forty-first Legislature, relating to the salary paid the official court reporter of the County Court at Law, of Harris County, Texas."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 147 ON THIRD READING

The Speaker then laid House Bill No. 147 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—117

Adamson.	Celaya.
Aikin.	Chastain.
Alsup.	Clayton.
Anderson.	Colson.
Baker.	Coombes.
Barrett.	Cowley.
Barron.	Crossley.
Beck.	Daniel.
Bedford.	Davidson.
Bourne.	Dean.
Bradley.	Dunlap.
Burns.	Dunagan.
Calvert.	Duvall.
Canon.	Fain.
Cathey.	Few.
Caven.	Fisher.

Ford.	Moore.
Fuchs.	Morrison.
Glass.	Morse.
Golson.	Munson.
Good.	Palmer.
Goodman.	Pavlica.
Griffith.	Pope.
Hankamer.	Puryear.
Hartzog.	Ramsey.
Head.	Ratliff.
Hicks.	Ray.
Hill of Brazoria.	Reed of Bowie.
Hill of Webb.	Reed of Dallas.
Hodges.	Renfro.
Holekamp.	Riddle.
Holland.	Roberts.
Holloway.	Rogers
Hoskins.	of Ochiltree.
Huddleston.	Rollins.
Hughes.	Ross.
Hunt.	Russell.
Hunter.	Savage.
Hyder.	Scarborough.
Jackson.	Shannon.
James.	Shults.
Jones of Runnels.	Smith.
Jones of Shelby.	Stanfield.
Kyle of Hays.	Steward.
Kyle of Palo Pinto.	Stinson.
Laird.	Stovall.
Leonard.	Stubbeman.
Lindsey.	Sullivant.
Long.	Tarwater.
Lotief.	Thomas.
Mackay.	Townsend.
Magee.	Van Zandt.
Mathis.	Vaughan.
McClain.	Wagstaff.
McKee.	Walker.
Merritt.	Wells.
Metcalfe.	Winningham.
Mitcham.	Wood.
Moffett.	Young.

Absent

Alexander.	Latham.
Butler.	Lemens.
Camp.	McCullough.
Devall.	McDougald.
Dwyer.	McGregor.
Engelhard.	Nicholson.
Graves.	Parkhouse.
Harman.	Patterson.
Harris.	Reader.
Harrison.	Rogers of Hunt.
Hester.	Scott.
Jefferson.	Tennyson.
Johnson	Tillery.
of Anderson.	Turlington.
Jones of Atascosa.	Weinert.

Absent—Excused

Greathouse.	Kayton.
Johnson of Dimmit.	

BILL ORDERED NOT PRINTED

(By Unanimous Consent)

On motion of Mr. Golson, House Bill No. 141 was ordered not printed.

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, October 5, 1933.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has concurred in House amendments to Senate Bill No. 41 by the following vote: Yeas, 26; nays, 0.

The Senate has passed

S. B. No. 64, A bill to be entitled "An Act to apportion the State of Texas into Congressional Districts; etc., and declaring an emergency."

Respectfully,

BOB BARKER,
Secretary of the Senate.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Engelhard:

H. B. No. 170, A bill to be entitled "An Act making an appropriation of two thousand and five hundred dollars for the building, installing, and operating of a new cotton lint sterilizing machine for treating baled cotton in the pink boll worm infested area of the State as a clearance of trade on such cotton, in compliance with the Pink Boll Worm Law, Title 4, Volume 1, Chapter 3, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Jefferson:

H. B. No. 171, A bill to be entitled "An Act providing that no person, firm, corporation, association, partnership, contractor, or subcontractor, performing any public work for the State, or for any county, municipality, or other political subdivision of this State, shall employ any person who is not a citizen of the United

States; providing forfeitures as a penalty for violation of this Act; providing that any public body may withhold any penalties assessed against a contractor, and that any contractor may withhold from any subcontractor sufficient sums to cover any penalties withheld from the contractor by the awarding body under the terms of this Act; etc., and declaring an emergency."

Referred to Committee on Labor.

By Mr. McDougald, Mr. Parkhouse, and Mr. Ross:

H. B. No. 172, A bill to be entitled "An Act to amend Article 3722, of the Revised Statutes of Texas, 1925, providing for the furnishing of papers, documents, instruments, or records filed in the offices of the Secretary of State, Attorney General, Land Commissioner, Comptroller, Treasurer, Adjutant General, Commissioner of Agriculture, Commissioner of Insurance, Banking Commissioner, and State Librarian by said officials to persons making application therefor, and likewise furnishing certified copies of facts contained in the papers, instruments, documents, and records of their respective offices; etc., and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Lemens and Mr. Hunter:

H. B. No. 173, A bill to be entitled "An Act providing for the pledging of delinquent district school taxes of school districts to be used to pay the interest and sinking fund on a loan or loans from the Reconstruction Finance Corporation, or other sources, for certain purposes; authorizing the making of contracts with lenders upon certain terms; providing for a sinking fund for the loans so made; requiring a certain amount to be placed in the sinking fund and a greater amount where necessary; authorizing boards of trustees to execute quitclaim deeds to school sites to certain persons; etc., and declaring an emergency."

Referred to Committee on Education.

By Mr. Merritt, Mr. McDougald, and Mr. Scott:

H. B. No. 174, A bill to be entitled "An Act to amend Subdivision 23, of Article 7047, Chapter 1, Title 122, of the Revised Civil Statutes, State of

Texas, 1925, as amended by Acts, 1931, Forty-second Legislature, Regular Session, page 355, Chapter 212, Section 1, relating to an occupation tax on coin-operated vending machines, marble table machines, and similar devices, within the scope of the subdivision; providing such funds to be placed to the credit of the State Available School Funds, and declaring an emergency."

Referred to Committee on Municipal and Private Corporations.

By Mr. Tillery:

H. B. No. 175, A bill to be entitled "An Act fixing the compensation of county commissioners in every county having a population of not less than thirty thousand two hundred and ninety (30,290) nor more than thirty thousand three hundred and ninety (30,390) inhabitants, according to the last preceding United States Census, and prescribing how same shall be paid; providing that such shall be the salary of said commissioners so long as the taxable values in the county shall exceed the sum of eleven million dollars (\$11,000,000) for the next preceding year; fixing said salary when said taxable values are less than said sum, and declaring an emergency."

Referred to Committee on Counties.

SENATE BILL ON FIRST READING

The following Senate bill, received from the Senate today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

Senate Bill No. 64, to the Committee on Congressional Districts.

RECESS

On motion of Mr. Puryear, the House, at 12:15 o'clock p. m., took recess to 2 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2 o'clock p. m., and was called to order by the Speaker.

HOUSE BILL NO. 43 ON PASSAGE TO ENGROSSMENT

The House resumed consideration of pending business, same being House Bill No. 43, relative to regu-

lating the production sale, etc., of milk, on its passage to engrossment; the bill having heretofore been read second time, with committee amendment by Mr. Fain, and amendment by Mr. Aikin to the committee amendment, pending:

Mr. Bedford offered the following substitute for the amendment by Mr. Aikin:

Substitute amendment to committee amendment to House Bill No. 43, Section 4, by striking out the last sentence in said Section.

Mr. Head moved the previous question on the pending amendment, amendments on the Speaker's desk, and the bill, and the motion was duly seconded.

Question recurring on the motion for the main question, yeas and nays were demanded.

The roll of the House was called, and the vote announced as follows:

Yeas—55

Adamson.	Lotief.
Alsup.	Mackay.
Bourne.	McGregor.
Calvert.	McKee.
Cathey.	Merritt.
Cowley.	Mitcham.
Dunagan.	Morse.
Duvall.	Nicholson.
Fain.	Reader.
Few.	Reed of Bowie.
Fisher.	Rogers of Hunt.
Ford.	Rogers
Fuchs.	of Ochiltree.
Griffith.	Rollins.
Head.	Savage.
Hodges.	Shannon.
Holekamp.	Shults.
Holland.	Smith.
Hunt.	Steward.
Hunter.	Stinson.
Jefferson.	Tarwater.
Johnson	Tennyson.
of Anderson.	Tillery.
Jones of Atascosa.	Van Zandt.
Jones of Runnels.	Wagstaff.
Kyle of Hays.	Walker.
Kyle of Palo Pinto.	Wells.
Latham.	Winningham.
Long.	

Nays—35

Aikin.	Caven.
Anderson.	Dean.
Baker.	Golson.
Barrett.	Goodman.
Bedford.	Harris.
Burns.	Hartzog.
Canon.	Hicks.

Hoskins.
Huddleston.
Hughes.
Jackson.
Lindsey.
Magee.
Moffett.
Moore.
Morrison.
Munson.
Palmer.

Parkhouse.
Puryear.
Ray.
Reed of Dallas.
Ross.
Russell.
Scarborough.
Thomas.
Vaughan.
Wood.

Absent

Alexander.	Hyder.
Barron.	James.
Beck.	Jones of Shelby.
Bradley.	Laird.
Butler.	Lemens.
Camp.	Leonard.
Celaya.	Mathis.
Chastain.	McClain.
Clayton.	McCullough.
Colson.	McDougald.
Coombes.	Metcalf.
Crossley.	Patterson.
Daniel.	Pavlica.
Davidson.	Pope.
Devall.	Ramsey.
Dunlap.	Renfro.
Dwyer.	Riddle.
Engelhard.	Roberts.
Glass.	Scott.
Good.	Stanfield.
Graves.	Stovall.
Hankamer.	Stubbeman.
Harman.	Sullivant.
Harrison.	Townsend.
Hester.	Turlington.
Hill of Brazoria.	Weinert.
Hill of Webb.	Young.
Holloway.	

Absent—Excused

Greathouse.	Kayton.
Johnson	Ratliff.
of Dimmit.	

Mr. Latham raised a point of order that there was not a quorum present.

The Speaker sustained the point of order.

Mr. Latham moved a call of the House for the purpose of securing and maintaining a quorum until 5 o'clock p. m., today.

Mr. Dunagan moved a call of the House for the purpose of securing a quorum.

The motion of Mr. Dunagan prevailed.

On motion of Mr. Latham, the Sergeant-at-Arms was instructed to bring in all absent Members within the city who are not ill.

The roll of the House was again called, and a quorum was announced present.

Question again recurring on the motion for the previous question, it prevailed by the following vote:

Yeas—66

Adamson.	Lotief.
Alexander.	Magee.
Alsup.	McClain.
Bourne.	McCullough.
Calvert.	McGregor.
Canon.	McKee.
Cathey.	Mitcham.
Cowley.	Morse.
Crossley.	Palmer.
Devall.	Reader.
Dunagan.	Reed of Bowie.
Duvall.	Renfro.
Fain.	Roberts.
Few.	Rogers of Hunt.
Fisher.	Rogers
Glass.	of Ochiltree.
Griffith.	Rollins.
Harris.	Savage.
Head.	Scott.
Hester.	Shannon.
Hicks.	Shults.
Hodges.	Smith.
Holekamp.	Stanfield.
Holland.	Steward.
Hoskins.	Stinson.
Hunter.	Stubbeman.
Jefferson.	Tarwater.
Johnson	Tennyson.
of Anderson.	Tillery.
Jones of Atascosa.	Van Zandt.
Jones of Runnels.	Wagstaff.
Kyle of Palo Pinto.	Walker.
Latham.	Winningham.
Long.	Young.

Nays—32

Aikin.	Kyle of Hays.
Baker.	Lindsey.
Barrett.	Mackay.
Bedford.	Moffett.
Caven.	Moore.
Chastain.	Morrison.
Dean.	Munson.
Engelhard.	Parkhouse.
Ford.	Puryear.
Fuchs.	Ray.
Golson.	Reed of Dallas.
Hartzog.	Ross.
Holloway.	Russell.
Hughes.	Scarborough.
Hyder.	Thomas.
Jackson.	Vaughan.

Present—Not Voting

Mr. Speaker.	Metcalfe.
Anderson.	

Absent

Barron.	Hunt.
Beck.	James.
Bradley.	Jones of Shelby.
Burns.	Laird.
Butler.	Lemens.
Camp.	Leonard.
Celaya.	Mathis.
Clayton.	McDougald.
Colson.	Merritt.
Coombes.	Nicholson.
Daniel.	Patterson.
Davidson.	Pavlica.
Dunlap.	Pope.
Dwyer.	Ramsey.
Good.	Riddle.
Goodman.	Stovall.
Graves.	Sullivant.
Hankamer.	Townsend.
Harman.	Turlington.
Harrison.	Weinert.
Hill of Brazoria.	Wells.
Hill of Webb.	Wood.
Huddleston.	

Absent—Excused

Greathouse.	Kayton.
Johnson	Ratliff.
of Dimmit.	

Question then recurring on the substitute amendment by Mr. Bedford, it was lost.

Question recurring on the amendment by Mr. Aikin, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—73

Adamson.	Hartzog.
Aikin.	Head.
Alsup.	Hester.
Anderson.	Hicks.
Baker.	Holekamp.
Bourne.	Holloway.
Burns.	Huddleston.
Calvert.	Hunt.
Canon.	Hunter.
Cathey.	Jackson.
Caven.	Johnson
Chastain.	of Anderson.
Coombes.	Jones of Runnels.
Crossley.	Kyle of Hays.
Devall.	Kyle of Palo Pinto.
Dunagan.	Laird.
Dwyer.	Latham.
Fisher.	Lindsey.
Glass.	Magee.
Golson.	McClain.
Good.	McCullough.
Goodman.	McKee.
Graves.	Merritt.
Harris.	Mitcham.

Morrison.	Savage.
Munson.	Scarborough.
Nicholson.	Scott.
Palmer.	Shults.
Parkhouse.	Steward.
Puryear.	Stinson.
Reed of Bowie.	Sullivant.
Reed of Dallas.	Thomas.
Roberts.	Tillery.
Rogers of Hunt.	Vaughan.
Rogers	Wagstaff.
of Ochiltree.	Walker.
Rollins.	Winningham.
Ross.	

Nays—37

Alexander.	Mackay.
Barrett.	McGregor.
Bedford.	Metcalfe.
Dean.	Moffett.
Duvall.	Moore.
Engelhard.	Morse.
Fain.	Pope.
Few.	Ray.
Ford.	Reader.
Fuchs.	Renfro.
Griffith.	Shannon.
Hodges.	Smith.
Holland.	Stanfield.
Hoskins.	Stubbeman.
Hughes.	Tarwater.
Hyder.	Townsend.
Jefferson.	Van Zandt.
Jones of Atascosa.	Young.
Lotief.	

Absent

Barron.	Jones of Shelby.
Beck.	Lemens.
Bradley.	Leonard.
Butler.	Long.
Camp.	Mathis.
Celaya.	McDougald.
Clayton.	Patterson.
Colson.	Pavlica.
Cowley.	Ramsey.
Daniel.	Riddle.
Davidson.	Russell.
Dunlap.	Stovall.
Hankamer.	Tennyson.
Harman.	Turlington.
Harrison.	Weinert.
Hill of Brazoria.	Wells.
Hill of Webb.	Wood.
James.	

Absent—Excused

Greathouse.	Kayton.
Johnson	Ratliff.
of Dimmit.	

Mr. Wagstaff offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 43 by adding a new Section, as follows:

"Section —. This Act shall cease to be in effect on and after June 16, 1935, or if, as provided in paragraph C, of Section 2, Title 1, of the National Industrial Recovery Act, the President shall, by proclamation, or the Congress of the United States shall, by joint resolution or bill, declare that the national emergency recognized by the National Industrial Recovery Act has ended, then this Act shall cease to be in effect on and after the date of such proclamation or congressional declaration."

WAGSTAFF,
AIKIN,
SAVAGE.

The amendment was adopted.

Mr. Vaughan offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 43, page 4, by striking out Section 10, and renumbering sections.

The amendment was adopted.

Mr. Morrison offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 43 by striking out, on page 4, all of Section 9.

Mr. Dunagan offered the following substitute for the amendment by Mr. Morrison:

Substitute for amendment to committee amendment to House Bill No. 43, Section 9, by striking out the balance of line 24, after the word "Act," and also lines 25, 26, 27, 28, 29, 30, and 31.

DUNAGAN,
SCARBOROUGH,
ALSUP,
RUSSELL.

The substitute amendment was lost.

Question recurring on the amendment by Mr. Morrison, it was adopted.

Mr. Walker offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 43 by adding a new Subsection to Section 1, to be numbered (d), as follows:

"(d) Provided that no defined area to be covered by any code shall ever be greater than one county."

The amendment was adopted.

Mr. Hunt offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 43, page 4, Section 7, line 8, after the word "operating," by inserting the following: "and a majority of the voting public."

The amendment was adopted.

The committee amendment as amended was then adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes made in the body of the bill.

House Bill No. 43 then failed to pass to engrossment by the following vote:

Yeas—51

Alexander.	Laird.
Barrett.	Latham.
Bedford.	Lotief.
Bradley.	Mackay.
Canon.	McDougald.
Cathey.	McGregor.
Celaya.	McKee.
Dean.	Metcalfe.
Duvall.	Moffett.
Engelhard.	Moore.
Fain.	Morse.
Few.	Nicholson.
Fuchs.	Parkhouse.
Greathouse.	Pope.
Griffith.	Reader.
Hill of Brazoria.	Renfro.
Hodges.	Savage.
Holland.	Scarborough.
Holloway.	Shannon.
Hoskins.	Shults.
Hughes.	Stanfield.
Hunter.	Stovall.
Hyder.	Tarwater.
James.	Townsend.
Jefferson.	Wagstaff.
Jones of Atascosa.	

Nays—74

Adamson.	Davidson.
Aikin.	Devall.
Alsup.	Dunagan.
Anderson.	Dwyer.
Baker.	Fisher.
Beck.	Ford.
Bourne.	Glass.
Burns.	Golson.
Calvert.	Good.
Caven.	Goodman.
Chastain.	Graves.
Colson.	Harris.
Coombes.	Harrison.
Cowley.	Hartzog.
Crossley.	Head.
Daniel.	Hester.

Hicks.	Riddle.
Holekamp.	Roberts.
Huddleston.	Rogers of Hunt.
Hunt.	Rollins.
Jackson.	Ross.
Johnson	Russell.
of Anderson.	Scott.
Jones of Runnels.	Smith.
Kyle of Hays.	Steward.
Kyle of Palo Pinto.	Stinson.
Lindsey.	Stubbeman.
Long.	Tennyson.
Magee.	Thomas.
McClain.	Tillery.
Merritt.	Van Zandt.
Mitcham.	Vaughan.
Morrison.	Walker.
Munson.	Wells.
Palmer.	Winningham.
Puryear.	Wood.
Ray.	Young.
Reed of Bowie.	

Present—Not Voting

Reed of Dallas.

Absent

Barron.	Mathis.
Butler.	McCullough.
Camp.	Patterson.
Clayton.	Pavlica.
Dunlap.	Ramsey.
Hankamer.	Rogers
Harman.	of Ochiltree.
Hill of Webb.	Sullivant.
Jones of Shelby.	Turlington.
Lemens.	Weinert.
Leonard.	

Absent—Excused

Johnson	Kayton.
of Dimmit.	Ratliff.

PAIRED

Mr. Reed of Dallas (present), who would vote "nay," with Mr. Mathis (absent), who would vote "yea."

Mr. Alsup moved to reconsider the vote by which the bill failed to pass to engrossment and to table the motion to reconsider.

The motion to table prevailed.

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, October 5, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 54, A bill to be entitled "An Act amending Article 6032, Revised Civil Statutes of 1925, as amended by Chapter 26, Acts of the Forty-second Legislature, First Called Session, and by Chapter 162, Acts of the Forty-third Legislature, imposing a tax on one-tenth of one cent per barrel on crude petroleum oil; appropriating the proceeds of such tax to the Railroad Commission of Texas to be used in carrying out its duties in connection with the conservation laws of this State relating to oil and gas; providing for the employment of supervisors, assistants, and other employes by the Commission and for the payment of their salaries, and declaring an emergency." (With amendments.)

H. B. No. 53, A bill to be entitled "An Act to amend Section 6, Chapter 88, of the General Laws of the Forty-first Legislature, Second Called Session, by adding thereto Section 6-a, so as to reduce registration license fees on commercial motor vehicles, without trailers or semi-trailers, when same are used exclusively by the owner thereof in the transportation of his poultry, dairy, live stock, and farm products, grown or produced by him, to market or to other points for processing, and for the transportation of supplies by the owner of such commercial motor vehicle from place of purchase, to his own farm or ranch for his exclusive use; prescribing penalties for violation thereof, and declaring an emergency." (With amendment.)

H. B. No. 18, A bill to be entitled "An Act to amend Article 3886, of the Revised Civil Statutes of 1925, as amended by Chapter 220, Acts of the Regular Session of the Forty-third Legislature, by reducing in the aggregate the amount of salaries of employes in the office of the criminal district attorneys in counties having a population in excess of 355,000 inhabitants, and fixing the compensation of such employes so as to provide an adequate staff for said offices in said counties; providing for the payment of certain of said employes by said counties from the general funds of such counties; etc., and declaring an emergency."

Respectfully,

BOB BARKER,
Secretary of the Senate.

HOUSE BILL NO. 54 WITH SENATE AMENDMENTS

Mr. Metcalfe called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 54, A bill to be entitled "An Act amending Article 6032, Revised Civil Statutes of 1925, as amended by Chapter 26, Acts of the Forty-second Legislature, First Called Session, and by Chapter 162, Acts of the Forty-third Legislature, imposing a tax of one-tenth of one cent per barrel on crude petroleum oil; appropriating the proceeds of such tax to the Railroad Commission of Texas to be used in carrying out its duties in connection with the conservation laws of this State relating to oil and gas; providing for the employment of supervisors, assistants, and other employes by the Commission and for the payment of their salaries, and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

Mr. Metcalfe moved that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

In accordance with the above action, the Speaker announced the appointment of the following committee: Messrs. Harman, Metcalfe, Long, Walker, and Wood.

BILLS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills:

S. B. No. 21, "An Act amending Section 79, of Article 199, Title 8, of the Revised Civil Statutes of 1925, creating the Seventy-ninth Judicial District of Texas, as amended by the Acts of the Regular Session of the Forty-second Legislature, page 876, Chapter 370, Section 1, so as to change the terms of, and time of, holding the terms of district court in Starr, Brooks, Duval, and Jim Wells Counties, Texas; etc., and declaring an emergency."

S. B. No. 41, "An Act to fix the salaries and compensation of county

commissioners in counties with a population of not less than 77,777 nor more than 78,000, according to the last Federal Census."

S. B. No. 56, "An Act to vest in the United States Government fee simple title to 20.8 acres of land in Jefferson County, Texas, more fully described herein, and declaring an emergency."

S. B. No. 34, "An Act to amend Senate Bill No. 488, Chapter 74, pages 95 to 98, inclusive, of the Special Laws of Texas, Acts of the Regular Session of the Forty-third Legislature of the State of Texas, approved May 16, 1933; which Act was amendatory to Senate Bill No. 54, Chapter 17, pages 262 to 165, inclusive, Acts of the Fourth Called Session of the Thirty-fifth Legislature of the State of Texas, approved March 25, 1918; which said last-mentioned Act was amendatory of Sections 12 and 16, of the Special Road Law of Smith County, Texas, passed by the Regular Session of the Thirty-third Legislature and known as Chapter 70, of the Special Laws of said Thirty-third Legislature, and which is also amendatory of Section 3, of Chapter 8, of the Special Road Law of Smith County, Texas, passed at the Regular Session of the Thirty-fourth Legislature, and approved February 16, 1915, so as to further provide that the Commissioners Court of Smith County, Texas, etc."

MESSAGE FROM THE GOVERNOR

The Speaker laid before the House, and had read, the following message from the Governor:

Executive Office,
Austin, Texas, October 5, 1933.

To the Forty-third Legislature in First Called Session:

By request of the Board of Regents of the University of Texas, I hereby submit for your consideration the attached bill, to be entitled "An Act to amend Title 52 (eminent domain), of the Revised Civil Statutes of Texas, by adding Article 3264-b to follow 3264-a, defining the powers of the Board of Regents of the University of Texas when acting as trustees of a trust for scientific, educational, philanthropic, charitable, or other public purposes, and to confer upon them the power of eminent domain, and declaring an emergency."

Also the attached bill, to be entitled "An Act to authorize the Board of Regents of the University of Texas to execute bonds in a sum not in excess of one million two hundred thousand dollars, to obtain funds with which to complete the Main Building of the University of Texas; to pledge that part of the Available University Fund arising from grazing and other surface leases of University lands to secure same; and to authorize said board to make contracts for the construction of dormitories, and declaring an emergency."

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor of Texas.

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, October 5, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

S. C. R. No. 18, Relative to a Joint Session of the House and Senate, at 11 o'clock, Friday, October 6, 1933, inviting Hon. Cullen Thomas and other boosters of the Texas Centennial to address the Legislature.

Respectfully,
BOB BARKER,
Secretary of the Senate.

BILLS RE-COMMITTED

Mr. Alexander moved that House Bills Nos. 5 and 16 be re-committed to the Committee on Judiciary, with instructions to bring out a bill, with differences of opinion on the two bills reconciled.

The motion prevailed.

HOUSE BILL NO. 100 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 100, A bill to be entitled "An Act making appropriation for the support and maintenance of the General Land Office, and particularly making an appropriation for a special audit to be made by or under the direction of the Commissioner of the General Land Office of all books and accounts of oil companies relative to the bonus and rentals due on sold public school lands, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 100 ON THIRD READING

Mr. Graves moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 100 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—111

Adamson.	Jones of Shelby.
Aikin.	Kyle of Hays.
Alexander.	Kyle of Palo Pinto.
Alsup.	Laird.
Baker.	Latham.
Barrett.	Leonard.
Barron.	Lindsey.
Beck.	Long.
Bedford.	Lotief.
Bourne.	Magee.
Burns.	McClain.
Calvert.	McCullough.
Canon.	McDougald.
Celaya.	McGregor.
Chastain.	Merritt.
Colson.	Metcalf.
Coombes.	Mitcham.
Cowley.	Moffett.
Daniel.	Morrison.
Dean.	Morse.
Dunagan.	Munson.
Duvall.	Palmer.
Fain.	Parkhouse.
Few.	Pope.
Fisher.	Puryear.
Ford.	Ramsey.
Fuchs.	Reader.
Glass.	Reed of Bowie.
Good.	Reed of Dallas.
Graves.	Renfro.
Hankamer.	Riddle.
Harman.	Roberts.
Harris.	Rogers of Hunt.
Harrison.	Rogers
Head.	of Ochiltree.
Hester.	Rollins.
Hill of Brazoria.	Ross.
Hill of Webb.	Russell.
Hodges.	Savage.
Holekamp.	Scarborough.
Holland.	Scott.
Hoskins.	Shults.
Huddleston.	Smith.
Hughes.	Stanfield.
Hunter.	Steward.
Hyder.	Stinson.
Jackson.	Stovall.
Johnson	Stubbeman.
of Anderson.	Sullivant.
Jones of Atascosa.	Tarwater.
Jones of Runnels.	Thomas.

Tillery.	Weinert.
Townsend.	Wells.
Turlington.	Winningham.
Vaughan.	Wood.
Wagstaff.	Young.
Walker.	

Present—Not Voting

Anderson.

Absent

Bradley.	Holloway.
Butler.	Hunt.
Camp.	James.
Cathey.	Jefferson.
Caven.	Lemens.
Clayton.	Mackay.
Crossley.	Mathis.
Davidson.	McKee.
Devall.	Moore.
Dunlap.	Nicholson.
Dwyer.	Patterson.
Engelhard.	Pavlica.
Golson.	Ray.
Goodman.	Shannon.
Griffith.	Tennyson.
Hartzog.	Van Zandt.
Hicks.	

Absent—Excused

Greathouse.	Kayton.
Johnson	Ratliff.
of Dimmit.	

The Speaker then laid House Bill No. 100 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—113

Adamson.	Duvall.
Aikin.	Fain.
Alexander.	Few.
Alsup.	Fisher.
Anderson.	Ford.
Baker.	Fuchs.
Barrett.	Glass.
Barron.	Golson.
Beck.	Good.
Bedford.	Graves.
Bourne.	Hankamer.
Burns.	Harman.
Calvert.	Harris.
Canon.	Harrison.
Cathey.	Head.
Caven.	Hester.
Celaya.	Hill of Brazoria.
Chastain.	Hill of Webb.
Colson.	Hodges.
Coombes.	Holekamp.
Cowley.	Holland.
Daniel.	Hoskins.
Davidson.	Huddleston.
Dean.	Hughes.
Devall.	Hunter.
Dunagan.	Hyder.

Jackson.	Riddle.
Johnson	Roberts.
of Anderson.	Rogers of Hunt.
Jones of Atascosa.	Rogers of Ochiltree.
Jones of Runnels.	Rollins.
Kyle of Hays.	Ross.
Kyle of Palo Pinto.	Russell.
Laird.	Savage.
Latham.	Scarborough.
Leonard.	Scott.
Lindsey.	Shults.
Lotief.	Smith.
Magee.	Steward.
McCullough.	Stinson.
McDougald.	Stovall.
McGregor.	Stubbeman.
Merritt.	Sullivant.
Metcalfe.	Tarwater.
Mitcham.	Tennyson.
Moffett.	Thomas.
Morrison.	Tillery.
Morse.	Turlington.
Munson.	Van Zandt.
Palmer.	Vaughan.
Parkhouse.	Wagstaff.
Pope.	Walker.
Puryear.	Weinert.
Reader.	Wells.
Reed of Bowie.	Winningham.
Reed of Dallas.	Wood.
Renfro.	Young.

Absent

Bradley.	Jones of Shelby.
Butler.	Lemens.
Camp.	Long.
Clayton.	Mackay.
Crossley.	Mathis.
Dunlap.	McClain.
Dwyer.	McKee.
Engelhard.	Moore.
Goodman.	Nicholson.
Griffith.	Patterson.
Hartzog.	Pavlica.
Hicks.	Ramsey.
Holloway.	Ray.
Hunt.	Shannon.
James.	Stanfield.
Jefferson.	Townsend.

Absent—Excused

Greathouse.	Kayton.
Johnson	Ratliff.
of Dimmit.	

CAPTIONS ORDERED AMENDED

(By Unanimous Consent)

On motion of Mr. Holland, the caption of House Bill No. 147 was ordered amended to conform to all changes made in the body of the bill.

On motion of Mr. McDougald, the caption of House Bill No. 145 was ordered amended to conform to all changes made in the body of the bill.

On motion of Mr. Dunagan, the caption of House Bill No. 146 was ordered amended to conform to all changes made in the body of the bill.

BILL ORDERED NOT PRINTED

(By Unanimous Consent)

On motion of Mr. Celaya, House Bill No. 153 was ordered not printed.

HOUSE BILL NO. 132 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 132, A bill to be entitled "An Act making an additional allocation and appropriation of the revenues derived from the tax levied and collected on the gross sales of gas transmission lines by the provisions of Article 6060, Revised Civil Statutes, for the use of the Gas Utilities Division of the Railroad Commission in enforcing the provisions of Articles 6050 et seq., Revised Civil Statutes, relative to the regulation of gas utilities; limiting the amount to be used during any twelve months' period to \$70,000, as provided in Article 6066, and in all events to the amount of revenue collected in any such twelve months' period if a lesser sum be collected; etc., and declaring an emergency."

The bill was read second time.

(Mr. Moore in the Chair.)

Mr. Tennyson offered the following amendments to the bill:

(1)

Amend House Bill No. 132 by striking out "\$4,000," in last line, Section 2, and insert in lieu thereof "\$3,600."

(2)

Amend House Bill No. 132 by adding at the end of Section 1, page 2: "That no salary paid under authority of this bill shall be greater than the salary fixed for positions or similar positions, as provided in Chapter 166, of the General Laws of the Forty-third Legislature of the State of Texas."

The amendments were severally adopted.

Mr. Duvall offered the following amendment to the bill:

Amend House Bill No. 132 by striking out all of Section 1, and inserting in lieu thereof the following:

"Section 1. That there is hereby appropriated to the Attorney General's Department the sum of \$20,000, out of the taxes collected under Article 6060, Revised Civil Statutes of Texas, which shall be used for the purpose of defending the Railroad Commission in suits arising out of the enforcement of the provisions of Article 6050, Revised Civil Statutes, as amended, and all expenditures from said fund shall be accounted for in a full and complete report to the State Auditor, said report to be made by the Attorney General when said suit has been disposed of and finally terminated."

Mr. Tennyson offered the following amendment to the amendment:

Amend the Duvall amendment by adding the following:

"The sum of \$20,000 is to be allotted from the difference of \$51,300 appropriated by the Regular Session of the Legislature, Chapter 166, and the income of the tax of one-fourth of 1 per cent of the gross receipts tax as provided in Article 6060, Revised Civil Statutes."

The amendment to the amendment was adopted.

Mr. Winningham offered the following amendment to the amendment:

Amend amendment to House Bill No. 132 by adding at the end of Section 1 the following: "None of the money derived from this tax shall be expended in hiring relatives of Members of the Legislature within the third degree of consanguinity or affinity."

The amendment by Mr. Winningham was adopted.

The amendment as amended was then adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes made in the body of the bill.

House Bill No. 132 was then passed to engrossment.

HOUSE BILL NO. 132 ON THIRD READING

Mr. Tennyson moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 132 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—106

Adamson.	Kyle of Hays.
Aikin.	Laird.
Alexander.	Leonard.
Alsup.	Lindsey.
Anderson.	Long.
Baker.	Lotief.
Barrett.	Magee.
Bedford.	McClain.
Bourne.	McCullough.
Bradley.	McDougald.
Burns.	Merritt.
Canon.	Metcalfe.
Chastain.	Mitcham.
Clayton.	Moore.
Colson.	Morrison.
Coombes.	Munson.
Cowley.	Patterson.
Crossley.	Pope.
Daniel.	Puryear.
Davidson.	Ramsey.
Dean.	Ray.
Devall.	Reader.
Dunagan.	Reed of Bowie.
Duvall.	Reed of Dallas.
Fain.	Renfro.
Fisher.	Roberts.
Ford.	Rogers of Hunt.
Fuchs.	Rollins.
Glass.	Ross.
Golson.	Russell.
Hankamer.	Savage.
Harman.	Scott.
Harris.	Shannon.
Harrison.	Shults.
Hartzog.	Smith.
Head.	Stanfield.
Hester.	Steward.
Hicks.	Stinson.
Hill of Brazoria.	Stovall.
Hill of Webb.	Stubbeman.
Hodges.	Sullivant.
Holland.	Tarwater.
Holloway.	Tennyson.
Huddleston.	Thomas.
Hughes.	Tillery.
Hunt.	Turlington.
Hunter.	Van Zandt.
Hyder.	Vaughan.
Jackson.	Wagstaff.
James.	Walker.
Johnson	Weinert.
of Anderson.	Wells.
Jones of Runnels.	Winningham.
Jones of Shelby.	

Nays—6

Good.	Morse.
Kyle of Palo Pinto.	Parkhouse.
Mathis.	Scarborough.

Absent

Barron.	Camp.
Beck.	Cathey.
Butler.	Caven.
Calvert.	Celaya.

Dunlap.	Mackay.
Dwyer.	McGregor.
Engelhard.	McKee.
Few.	Moffett.
Goodman.	Nicholson.
Graves.	Palmer.
Griffith.	Pavlica.
Holekamp.	Riddle.
Hoskins.	Rogers of Ochiltree.
Jefferson.	Townsend.
Jones of Atascosa.	Wood.
Latham.	Young.
Lemens.	

Absent—Excused

Greathouse.	Kayton.
Johnson	Ratliff.
of Dimmit.	

The Speaker then laid House Bill No. 132 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—107

Adamson.	Huddleston.
Aikin.	Hughes.
Alexander.	Hunt.
Alsup.	Hunter.
Anderson.	Hyder.
Baker.	Jackson.
Barrett.	James.
Bourne.	Jones of Atascosa.
Bradley.	Jones of Runnels.
Burns.	Jones of Shelby.
Canon.	Kyle of Hays.
Chastain.	Laird.
Clayton.	Leonard.
Colson.	Lindsey.
Coombes.	Long.
Cowley.	Lotief.
Crossley.	Mackay.
Davidson.	Magee.
Dean.	McClain.
Devall.	McDougald.
Dunagan.	Merritt.
Duvall.	Metcalf.
Engelhard.	Mitcham.
Fain.	Moore.
Fisher.	Morrison.
Ford.	Munson.
Fuchs.	Patterson.
Glass.	Puryear.
Golson.	Ramsey.
Goodman.	Ray.
Hankamer.	Reader.
Harman.	Reed of Bowie.
Harris.	Reed of Dallas.
Harrison.	Renfro.
Hartzog.	Roberts.
Head.	Rogers of Ochiltree.
Hester.	Rollins.
Hill of Brazoria.	Ross.
Hill of Webb.	Russell.
Hodges.	Savage.
Holland.	Scarborough.

Scott.	Tillery.
Shannon.	Townsend.
Shults.	Turlington.
Smith.	Van Zandt.
Stanfield.	Vaughan.
Steward.	Wagstaff.
Stinson.	Walker.
Stovall.	Weinert.
Stubbeman.	Wells.
Sullivant.	Winningham.
Tarwater.	Wood.
Tennyson.	Young.
Thomas.	

Nays—6

Good.	Mathis.
Hicks.	Morse.
Holloway.	Nicholson.

Present—Not Voting

Holekamp.	Kyle of Palo Pinto.
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Absent

Barron.	Jefferson.
Beck.	Johnson
Bedford.	of Anderson.
Butler.	Latham.
Calvert.	Lemens.
Camp.	McCullough.
Cathey.	McGregor.
Caven.	McKee.
Celaya.	Moffett.
Daniel.	Palmer.
Dunlap.	Parkhouse.
Dwyer.	Pavlica.
Few.	Pope.
Graves.	Riddle.
Griffith.	Rogers of Hunt.
Hoskins.	

Absent—Excused

Greathouse.	Kayton.
Johnson	Ratliff.
of Dimmit.	

(Speaker in the Chair.)

HOUSE BILL NO. 20 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 20, A bill to be entitled "An Act defining certain words, terms, and phrases for the purpose of amending House Bill No. 578, Chapter 153, of the Acts of the Forty-third Legislature, so as to make it hereafter read as follows: 'Providing and imposing a tax on sales in intrastate commerce in this State of cigarettes, according to their weight; providing that the payment of such tax shall be evidenced by stamps furnished by the State Treasury; etc., and declaring an emergency.'"

The bill was read second time.

Mr. Wells offered the following committee amendment to the bill:

Amend House Bill No. 20 by striking out all below the enacting clause, and substitute in lieu thereof the following:

"House Bill No. 578, Chapter 153, Acts of the Regular Session of the Forty-third Legislature, is hereby reenacted, and will hereafter read as follows:

"Section 1. The following words, terms, and phrases, as used in this Act, are hereby defined as follows:

"(a) The term 'cigarette,' as used in this Act, shall include any roll for smoking made wholly, or in part, of tobacco, irrespective of size or shape, and irrespective of tobacco being flavored, adulterated, or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material, except where such wrapper is wholly, or in greater part, made of tobacco.

"(b) 'Individual package of cigarettes,' as used in this Act, shall mean the smallest package containing one or more cigarettes ordinarily sold at retail.

"(c) The term 'dealer' shall include every person, firm, corporation, or association of persons who manufacture cigarettes for distribution, sale, or barter, in the State of Texas; and/or any person, firm, corporation, or association of persons who have cigarettes in his possession, or under his control for distribution, sale, or barter, in the State of Texas.

"The term 'dealer' is further defined to mean any person, firm, corporation, or association of persons who imports cigarettes from any State or foreign country for distribution, sale, or barter, in the State of Texas.

"(d) The term 'wholesale dealer,' as used herein, shall include only those dealers who sell any cigarettes to retail dealers for the purpose of resale.

"(e) The phrase 'retail dealer,' as used herein, shall include every dealer other than 'wholesale dealer,' as defined above, who shall sell, or offer for sale, or possess for purpose of sale cigarettes, irrespective of quantity or amount or the number of sales.

"The term 'Comptroller,' as used in this Act, shall mean the Comptrol-

ler of Public Accounts for the State of Texas and/or his duly authorized assistants and employees.

"(f) The term 'stamp,' as herein used, shall mean the stamp or stamps by the use of which the tax levied hereunder is paid.

"(g) The term 'Treasurer,' as used in this Act, shall mean the State Treasurer and/or his duly authorized assistants and employees.

"Sec. 2. There is hereby levied a tax on sales, in intrastate commerce in this State, of cigarettes weighing not more than three (3) pounds per thousand, of one dollar and fifty cents (\$1.50) per thousand, and on those weighing more than three (3) pounds per thousand of three dollars and sixty cents (\$3.60) per thousand. Such tax shall be paid only once on account of any cigarette so sold by the person, firm, or corporation making the first sale thereof in intrastate commerce in this State, and payment of such tax shall be evidenced by stamps purchased from the Treasurer and securely affixed to the individual package of cigarettes covering the tax thereon as levied by this Act, provided that such stamps may be purchased and affixed to such individual package of cigarettes by a manufacturer or distributor outside this State, in which case no further payment of tax shall be required.

"All cigarette stamps shall be purchased from, and sold by, the Treasurer. Any person, firm, corporation, or association of persons, other than the Treasurer, who sells cigarette stamps shall be guilty of a misdemeanor and punishable as set out in Section 13, of this Act; provided, however, that when the Comptroller deems it proper to accept the compromise provided for in Section 19, and the offender does not hold sufficient unused stamps to cover his unstamped stock of cigarettes, then and in that event the offender may purchase the required stamps from any dealer through a requisition from the Comptroller in order that his unstamped stock of cigarettes may be stamped immediately and under the direction of the Comptroller, and any dealer making a sale of cigarette tax stamps as authorized herein shall be required to hold such requisition open to the inspection of the Comptroller for a period of two years.

"Sec. 3. The Treasurer is authorized and required to design and have printed and/or manufactured stamps of such size and denominations as may be determined by the Treasurer, so manufactured as to render said stamps easy to be securely attached to the individual packages of cigarettes subject to tax according to this Act; that said stamps shall be affixed by the dealer on each individual package of cigarettes that will be handled, sold, or distributed to the consumer, to permit the Comptroller to readily ascertain by an inspection of any dealer's stock on hand whether or not said tax has been paid as provided in this Act; that said stamps shall be supplied by said Treasurer to all licensed dealers in the State of Texas at a discount of five per cent (5%) from the face value, when purchased in quantities not less than one hundred dollars (\$100) face value; that said stamps shall be sold by said Treasurer in any less quantity at face value to any and all persons, firms, partnerships, corporations, and associations of persons, whether they may or may not be dealers in cigarettes subject to tax in this Act; that every person, firm, partnership, corporation, or association of persons shall caused to be affixed on every individual package of cigarettes, as defined in this Act, on which a tax is due, stamps of an amount equaling the tax due thereon before any such person, firm, partnership, corporation, or association of persons sell, offer for sale, or otherwise distribute or transport the same.

"The Treasurer is hereby authorized and empowered in his discretion to sell said stamps in any amount or quantity not less than three hundred dollars (\$300) face value and not exceeding two thousand five hundred dollars (\$2,500) face value at any licensed dealer upon credit, provided that such licensed dealer shall have, before such sale, executed and delivered to said Treasurer a surety bond or bonds in the principal sum of not less than double the amount of face value of the stamps purchased of said Treasurer, guaranteeing to said Treasurer the prompt payment of all such stamps on or before the twentieth day of the month after such stamps are purchased, said bond or bonds to be payable to the State of Texas, and shall be of the tenor

required and as provided by said Treasurer.

"Provided that all the revenue derived from this tax shall be credited to the Available School Fund for the years ending August 31, 1934, and August 31, 1935, and thereafter one-half shall be credited to the General Fund and one-half to the Available School Fund.

"Such stamps shall be of such design as the State Treasurer shall prescribe, and shall state the amount of tax, the payment of which is evidenced thereby, and shall contain the words 'State tax paid.' In the event the Treasurer has or shall at any time change the design of the cigarette tax stamp, he is hereby authorized to redeem at face value any unused cigarette stamps lawfully issued prior to such change in such design, which are in the possession of any bona fide owner, by exchanging at face value cigarette tax stamps of the new design.

"Provided, That if and whenever the State Treasurer makes a change in the design of the cigarette tax stamps, every person, firm, corporation, or association of persons holding stamps of the old design shall be required to exchange them at face value with the Treasurer for stamps of the new design; provided that after sixty (60) days from the date of issue of stamps of a new design, the stamps of the old design shall be good only for exchange for stamps of the new design, and that the sale of cigarette stamps of the old design or the sale of cigarettes to which stamps of the old design are affixed after sixty (60) days from the date of issue of the new design shall be deemed a misdemeanor and punishable as set out in Section 13 of this Act. It shall be the duty of the Treasurer to designate the date of issue of a new design of stamps by the issuance of a proclamation, and the date of such proclamation shall be the date of issue of the new design of stamps. The provisions of this Section shall apply to cigarette tax stamps of the first design issued by the Treasurer thirty (30) days after the effective date of this Act.

"Provided, That any cigarette tax stamps may be exchanged only when proof satisfactory to said Treasurer is furnished that any stamps offered to said Treasurer in exchange were properly purchased and paid for by

the person, firm, corporation, or association of persons offering to exchange such stamps.

"The Treasurer shall keep a record of all stamps sold by him or under his direction.

"Sec. 4. Every person, firm, corporation, or association of persons in this State who sells or is about to engage in the business of either a retail dealer or a wholesale dealer in cigarettes shall, before engaging in such business, apply to and obtain from the Comptroller a permit or permits to engage in the business of wholesale dealer or retail dealer, as the case may be, and shall obtain a separate permit for each place of business of such dealer; and where such person, firm, or corporation, or association of persons in this State has both retail and wholesale business in the same business house, such person, firm corporation, or association of persons shall be required to make application for permit for each character of business and shall pay to the Comptroller a fee of five dollars (\$5) for each permit. 'Place of business,' as used in this Section, is construed to include the place where orders for cigarettes are received, or where cigarettes taxed under this Act are sold, or if sold from any vehicle, the vehicle on which or from which such cigarettes are sold shall constitute a place of business.

"Applications for permits must be subscribed and sworn to by the person owning the business or having an ownership interest therein, or witnessed by the Comptroller. If the applicant is a corporation, a duly authorized agent shall execute the application. The application shall be made on blanks to be provided and furnished by the Comptroller, and shall, in addition to such other information as the Comptroller may require, show the name of such dealer, and in case of partnerships, the name of each partner thereof, the dealer's post-office address, whether the application is for a permit as a wholesale dealer or as a retail dealer, and a statement giving the location of the place of business as to which the permit shall apply; and in case of retail dealers the nature of any business (such as drug store, hotel, general store, etc.) carried on at the same place. Permits shall expire twelve (12) months from the date issued, but may be renewed on like applica-

tion and upon payment of another fee of five dollars (\$5). If the business changes hands during the period the permit runs, a new permit must be applied for and paid for. Should the place of business be changed during the period the permits run, the permit must be sent to the Comptroller so that proper change may be noted thereon. A permit cannot be transferred from one dealer to another. The permit or license shall at all times be publicly displayed by the dealer in his place of business so as to be easily seen by the public. Permits may be refused to any dealer previously convicted for having been involved in any violation of this Act. Provided that any person, firm, or association of persons, that is the lawful owner and possessor of any occupation tax receipt, as provided by Subdivision 39, of Section 1, of House Bill No. 251, Chapter 212, Acts of the Regular Session of the Forty-second Legislature, or permit as now provided by House Bill No. 578, Chapter 153, of the Acts of the Regular Session of the Forty-third Legislature, lawfully issued by the proper authority at any time within twelve (12) months prior to the taking effect of this Act, shall not be required to make application for or obtain from the Comptroller the permit as required by this Act prior to the expiration of the twelve (12) months for which said occupation tax or permit fee was paid.

"The funds derived from the issuance and sale of the permits, as provided by this Section, shall be delivered to the Treasurer, and one-half thereof shall be placed to the credit of the State Available School Fund, and one-half thereof to the General Fund.

"Sec. 5. The Comptroller, after notice and opportunity to be heard, under regulations to be made by him, shall have jurisdiction, power, and authority to revoke the permit of any wholesale dealer or any retail dealer for violation of this law, or for wilful or persistent violation of regulations made under this law. No new permit shall be issued to any one whose permit has been revoked, except in the discretion of the Comptroller.

"Sec. 6. Every wholesale dealer in this State shall, immediately after receipt of any unstamped cigarettes, cause the same to have the requisite

denominations and amount of stamp or stamps affixed to represent the tax as stated herein. Provided, however, that any wholesale dealer, engaged in interstate business, who shall furnish surety bond in the principal sum of two hundred fifty dollars (\$250) and of tenor and solvency satisfactory to the Comptroller, shall be permitted to set aside such a part of his stock as may be necessary for the conduct of such interstate business without affixing the stamps required by this Act. Said interstate stock shall be kept in an entirely separate part of the building, separated and apart from stamped stock. Every wholesale dealer shall, at the time of shipping or delivering any cigarette, make a true duplicate invoice of the same, which shall show full and complete details of the sale or delivery of the taxable article, and shall retain the same, subject to the use and inspection of the Comptroller for a period of two (2) years.

"Wholesale dealers shall keep a record of purchase and sales of all cigarettes purchased and sold by them, and they shall keep a record also of all purchases of stamps purchased by them, and hold all books, records, and memoranda pertaining to the purchase and sale of cigarettes and the purchase of stamps open to the inspection of the Comptroller for a period of two (2) years.

"Every wholesale dealer shall furnish to the Comptroller a semi-monthly report on the first and fifteenth of each respective calendar month of all orders for cigarettes purchased through said wholesale dealer from without this State on a drop shipment and consigned direct from without this State to the person, firm, corporation, or association of persons ordering such cigarettes through such wholesale dealer.

"Every wholesale dealer shall furnish to each person, firm, corporation, or association of persons ordering such cigarettes through such wholesaler, a duplicate invoice of all such purchases or receipts. Failure to furnish such duplicate invoice or failure to furnish afore-mentioned semi-monthly report as required shall be deemed a misdemeanor and punishable as set out in Section 13 of this Act.

"Sec. 7. Every retail dealer shall, except as to cigarettes on which the tax has been paid by the proper

affixing of stamp or stamps by a wholesale dealer, as provided for herein, affix the stamp or stamps for the denominations and amount necessary to represent the tax on each individual package of cigarettes, the same to be done, in all cases, immediately upon receipt by the retail dealer of the unstamped cigarettes.

"If, whenever any cigarettes taxed in this Act are found in the place of business of any retail dealer, wholesale dealer, or any other person, firm, corporation, or association of persons, except bonded interstate wholesale dealers, without the stamps affixed as herein provided, the prima facie presumption shall arise that such articles are kept therein in violation of the provisions of this Act.

"Retail dealers shall keep a record of purchases of all cigarettes purchased by them, and they shall keep a record also of all purchases of stamps purchased by them, and hold all books, records, and memoranda pertaining to the purchase of such cigarettes and cigarette tax stamps open to the inspection of the Comptroller for a period of two (2) years.

"Every retail dealer in cigarettes, as set out in this Act, purchasing or receiving any cigarettes from without the State, whether the same shall have been ordered through a wholesale dealer or jobber within this State or by drop shipment, or otherwise, shall, within twenty-four (24) hours after receipt of same, mail a duplicate invoice of all such purchases, or receipts, to the Comptroller. Failure to furnish such duplicate invoice as required shall be deemed to be a misdemeanor and punishable as set out in Section 13 of this Act.

"Sec. 8. It is the intent and purpose of this Act to levy a sales tax on all cigarettes sold or distributed in this State, and to collect same from the dealer who first distributes or sells same in the State of Texas.

"It is further the intent and purpose of this Act, that where a dealer gives away cigarettes for advertising or any other purpose whatsoever, the same shall be taxed in the same manner as if they were sold in this State.

"Sec. 9. It is hereby made the duty of the Comptroller to collect, supervise, and enforce the collection of all taxes and penalties that may be due

under the provisions of this Act, and to that end the said Comptroller is hereby vested with all of the power and authority conferred by this Act.

"The Comptroller is further authorized and empowered to promulgate rules and regulations to provide for the collection of the amount of tax due on all cigarettes taxable under the provisions of this Act in possession of dealers, on the effective date of this Act, so as to prevent any cigarettes being sold within this State, without the tax herein provided being paid.

"The Treasurer may promulgate rules and regulations providing for the refund to dealer for the cost of stamps affixed to goods, which, by reason of damage, become unfit for sale and are destroyed by dealer or returned to manufacturer or jobber.

"Sec. 10. Said Comptroller shall have the power to make and publish rules and regulations, not inconsistent with this Act, or the other laws, or the Constitution of this State, or of the United States, for the enforcement of the provisions of this Act and the collection of revenues hereunder.

"Sec. 11. Any person other than the Treasurer or his duly authorized agent, who shall print, or engrave, or directly aid in, or cause the printing or engraving of any stamps evidencing or purporting to evidence the payment of any tax levied by this Act, or who shall use or consent to the use of any counterfeit or unauthorized stamp or stamps in connection with the sale or offering for sale of any cigarettes, or shall place or cause to be placed on any individual package of cigarettes any such unauthorized or counterfeit stamps, shall, upon conviction, be punished by imprisonment in the Penitentiary not less than two (2) nor more than twenty (20) years.

"Sec. 12. Venue of a prosecution under the preceding sections shall be in Travis County, Texas.

"Sec. 13. It shall be unlawful for any person:

"(a) To sell, or offer for sale, or possess for the purpose of sale, at wholesale or at retail, any cigarettes without first having procured a permit as a wholesale or a retail dealer, accordingly, as the case may be; provided, nevertheless, that in the case

of purchases of stocks in bulk, the purchaser may operate under the permit of the seller for ten (10) days, pending the application for, and the granting of, a permit to such buyer, and that in case of the dissolution of a partnership by death, the surviving partner may operate under the permit of the partnership until the time of its expiration, and the heirs, legal representatives of deceased persons, and receivers and trustees in bankruptcy appointed by any competent authority, may operate under the permit of the person, firm, corporation, or association of persons so succeeded in possession by such heir, representative, receiver, or trustee in bankruptcy.

"(b) To sell, offer for sale, or possess for the purpose of sale, except as a licensed wholesale dealer engaged in interstate commerce, as to cigarettes sold in interstate commerce, any cigarettes without the stamp or stamps herein provided for first being affixed as herein provided.

"(c) To attach to any individual package of cigarettes any stamp that has been theretofore attached to a different individual package of cigarettes.

"(d) To refuse to allow, on demand, the Comptroller to make a full inspection of any place of business where cigarettes are sold or in any other wise to hinder or prevent such inspection.

"(e) To use any artful device or deceptive practice to conceal any violation of this Act or to mislead the said Comptroller in the enforcement of this Act.

"(f) For any retail dealer to have in his possession in any place of business any cigarettes, unless the same shall have the proper stamps attached.

"(g) For any wholesale dealer, and/or retail dealer, or his agents or employes to fail to produce on demand of the said Comptroller all invoices of all cigarettes and/or stamps bought by him or received in his place of business within two (2) years prior to said demand.

"(h) For any person to make, use, or present, or exhibit to the Comptroller any invoice of cigarettes which bears an untrue date or falsely states the nature or quantity of the goods therein invoiced.

"(i) For any wholesale dealer or retail dealer to fail or refuse to keep

and preserve for the time and in the manner required herein all of the records required by this Act to be kept and preserved.

"(j) For any person other than a common carrier to transport any package or packages of cigarettes on which there is required by this Act to be affixed the State revenue stamp which does not have the said stamp securely attached to such individual package of cigarettes.

"(k) For any wholesale or retail dealer to fail or refuse to publicly display his permit in his place of business so that it may be easily seen by the public.

"(l) Any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and, upon conviction, shall be punished by fine not less than ten dollars (\$10) nor more than five hundred dollars (\$500), or by confinement in jail not exceeding six (6) months, or by both such fine and imprisonment.

"All agents, employes, and others, who aid, abet, or otherwise participate in anywise in the violation of this Act, or in any of the offenses hereunder punishable, shall be guilty and punishable as principals to the same extent as any wholesale dealer or retail dealer violating the Act might be.

"Sec. 14. (a) The transportation, carriage, or movement from point to point in this State by any automobile, truck, boat, conveyance, vehicle, or other means of transportation of any cigarettes on which the tax is levied by this Act, upon which cigarettes the tax as levied by this Act has not been paid, is hereby prohibited, and the said automobile, truck, boat, conveyance, vehicle, or other means of transportation so transporting any said cigarettes shall be subject to seizure by the Comptroller and forfeiture and sale in the manner provided for in this Section.

"(b) The Comptroller is hereby authorized by an action against the owner or operator of any automobile, truck, boat, conveyance, vehicle, or other means of transportation of any cigarettes on which a tax is levied by this Act and on which said tax has not been paid in the manner provided in this Act, demanding the forfeiture and sale of the said automobile, truck, boat, conveyance, vehicle, or other means of transporta-

tion used in the said illegal transportation and in violation of this Act. Said cause may be tried at any time after two (2) days' notice of the filing thereof served upon the owner or operator of said vehicle.

"(c) In all cases where it is made to appear by affidavit, that the residence of the owner of the said automobile, truck, boat, conveyance, vehicle, or other means of transportation is out of the State, or is unknown to the Comptroller, the court having jurisdiction of the proceeding shall appoint an attorney at law to represent the said absent owner, against whom the said cause shall be tried within ten (10) days after the filing of the same. The said affidavit may be made by the Comptroller or one of his assistants or by the attorney representing the Comptroller, if it be not convenient to obtain the affidavit from the Comptroller. The attorney so appointed to represent the absent owner may waive service and notice of the filing of said cause, but shall not waive any legal defense.

"If upon the trial of the said proceeding, it is established by satisfactory proof that the said automobile, truck, boat, conveyance, vehicle, or other means of transportation has been used to transport any cigarettes on which a tax is levied by this Act, and upon which said tax has not been paid in the manner provided in this Act, then the court shall render judgment accordingly, declaring the forfeiture of said automobile, truck, boat, conveyance, vehicle, or other means of transportation, and ordering the sale thereof after ten (10) days' notice by advertisement in the English language in any newspaper published in the county where the seizure is made, by the sheriff of the county in which the seizure herein provided for is made, at public auction at the courthouse to the highest bidder for cash and without appraisal; it being the intent and purpose of these proceedings to afford the owner of said automobile, truck, boat, conveyance, vehicle, or other means of transportation a fair opportunity for hearing in a court of competent jurisdiction. It is further the intent and purpose of these proceedings that the forfeiture and sale of the said automobile, truck, boat, conveyance, vehicle, or other means of transportation shall be and operate as a penalty for the violation of this Act by illegal

transportation; and the payment of the tax due on the cigarettes upon which a tax is levied by this Act at the moment of seizure or thereafter shall not operate to prevent, abate, discontinue, or defeat the said forfeiture and sale of the said property. All funds collected from the said seized and forfeited property after the payment of all costs shall be paid into the State Treasury and credited in the same manner as provided for the tax herein levied. The court shall fix the fee of the attorney representing the owner when appointed by the court, at a nominal sum not to exceed ten per cent (10%) of the gross amount realized from said sale to be taxed as costs and to be paid out of the proceeds of the sale of said property.

Sec. 15. All purchases of cigarettes by any retail dealer shall be evidenced by an invoice from the seller correctly showing the date of the purchase and the quantity of each of said articles bought by said retail dealer.

"Sec. 16. It shall be unlawful for any person, firm, corporation, or association of persons to receive in this State any cigarettes when the same are not stamped, for the purpose and intention of violating the provisions of this Act and to avoid payment of the taxes; and such a person, firm, corporation, or association of persons shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished as set out in Section 13 of this Act.

Sec. 17. All cigarettes on which taxes are imposed by this Act, which shall be found in possession or custody or within the control of any person, firm, corporation, or association of persons, for the purpose of being sold or removed by him, in violation of the provisions of this Act, or with the design to avoid payment of said taxes, may be seized by the Comptroller in order to secure the same for trial, or investigation, and the same shall be forfeited to the State of Texas. The said Comptroller, when making a seizure, shall appraise the value of the same according to his best judgment, at the usual and ordinary retail price of the article seized, and shall deliver to the person, firm, corporation, or association of persons, if any, found in possession of the same, a receipt showing the fact of seizure, and

description of the goods, and appraised value; and a duplicate of said receipt shall be filed in the office of the Comptroller and shall be open to public inspection.

"The proceeding to enforce such forfeiture shall be in the nature of a proceeding in rem in a court of competent jurisdiction where such seizure is made. The proceeding shall be filed by the Comptroller, and it may and shall always be tried by preference. The proceeding shall be directed against the owner or person in whose possession said cigarettes are found, demanding the forfeiture and sale of said property, as a penalty for the violation of this Act. Service of notice of said proceeding shall be made upon the owner or person in whose possession said cigarettes are found, if he is a resident of this State, or his residence is known to the plaintiff. In all cases where it is made to appear by affidavit that the residence of the owner of the seized articles is out of the State, or is unknown to the Comptroller, an attorney at law shall be appointed by the court, which has jurisdiction of the proceedings, to represent the said owner, against whom the said cause shall be tried within ten (10) days from the date of the filing of same. The said affidavit may be made by the Comptroller, or by the attorney representing the Comptroller, if it be not convenient to obtain the affidavit of the Comptroller. The attorney so appointed to represent the owner of the seized articles may waive service and citation, but he shall not waive time nor legal defense. Upon the trial of said proceedings, if it is established by satisfactory proof that with respect to the articles under seizure, that this Act has been violated in any respect, then the court shall render judgment accordingly, maintaining the seizure, declaring the forfeiture of said seized property, and ordering the sale thereof, after ten (10) days' notice of advertisement at least twice in any newspaper published in the English language in the county where seizure is made of the cigarettes by the sheriff at public auction; it being the intent and purpose of this proceeding to afford the owner of said seized articles a fair opportunity of hearing in a court of competent jurisdiction. It is further the intent and purpose of this proceeding that the forfeiture

and sale of said seized property shall be and operate as a penalty for the violation of this Act as aforesaid, and payment of the tax due on said seized articles, at the moment of seizure or thereafter, shall not operate to prevent, abate, or discontinue, or defeat the said forfeiture and sale of the said property. The court may fix the fee of the attorney appointed by the court to represent the owner of the seized articles at a nominal sum to be taxed as costs and to be paid out of the proceeds of the sale of said property.

"Sec. 18. Any person, firm, corporation, or association of persons, who claims title to the said seized property or any lien existing thereon prior to the date of seizure, and who did not in any respect participate in the violation of this Act, may file with the Comptroller, under oath, a detailed statement of his claim, and the further fact that the claimant did not in any way participate in the violation of this Act, and thereafter the said property may be released by the Comptroller and delivered to him; provided that the said claimant shall furnish to the Comptroller a good and solvent surety bond, in a penal sum not less than double the appraised value of the goods seized, and in no event less than fifty dollars (\$50), which said bond shall be conditioned to pay to the Treasurer the appraised value of the goods, and all costs in the event the claimant does not prosecute his claim to successful judgment. In the event bond has been furnished by the claimant, and the property has been released to him, the judgment of the court, if the contention of the Comptroller is sustained, shall be directed against both the claimant and the surety on the bond, together with all costs from the beginning of the seizure up to the final disposition and settlement of the case.

"If the claimant does not furnish bond as above-provided, then the Comptroller or his agent may proceed against the claimant as set forth in Section 17 of this Act. In no event shall the property be seized and sold without first affording any claimant a fair opportunity of being heard in a court of competent jurisdiction.

"Sec. 19. Jurisdiction is hereby conferred upon the Comptroller to waive any proceeding for the forfeiture of any of the property seized

under the provisions of this Act, or any part thereof, provided that the offender shall first affix to each of the individual packages of cigarettes seized the amount and value of the stamps necessary to represent the tax, and in addition to the stamps required, pay into the State Treasury through the Comptroller a sum equal to the value of the stamps required to be affixed to such cigarettes. The said Comptroller may make a compromise with any claimant, before or after the claim is filed in court. A record of all such compromises and waivers of forfeiture shall be kept by the Comptroller and shall be open to public inspection.

"After, upon examination of invoices, the Comptroller finds that cigarettes have been sold without stamps affixed, as required in this Act, he shall have the power to require of such person, firm, corporation, or association of persons to pay into the State Treasury through him a sum equal to twice the amount of the stamp tax due. If, upon examination of invoices, the dealer is unable to furnish evidence to the Comptroller of sufficient stamp purchases to cover unstamped cigarettes purchased by him, the prima facie presumption shall arise that such cigarettes were sold without the proper stamps affixed thereto. Refusal to comply with this provision shall be deemed a misdemeanor and punishable as set out in Section 13 of this Act.

"Sec. 20. All moneys collected by the Comptroller under the provisions of Section 19 of this Act, after payment of all costs and commissions, shall be paid to the Treasurer and credited as the taxes levied hereunder are credited.

"Sec. 21. That two per cent (2%) of the gross amount of taxes and funds derived under the provisions of this Act shall be set aside in a special fund subject to the use of the Comptroller in the administration and enforcement of the provisions of this Act, and so much of the said proceeds of two per cent (2%) of said tax and funds shall be, and same is hereby, appropriated for said purpose, same to be paid monthly as needed; any unexpended portion of said funds so specified shall, at the end of each biennium, be paid, in the proper proportion to the funds to which the cigarette tax fund shall be

proportioned. Provided, That the Comptroller shall not make an expenditure of said commissions, except and until same are duly itemized and designated for specific purposes as required by the State Constitution.

"Sec. 22. That Sections 12, 13, 14, and 15, of House Bill No. 547, Chapter 73, Acts of the Regular Session of the Forty-second Legislature, be, and the same are hereby, in all things repealed.

"Sec. 23. That Subdivision 39, of Section 1, of House Bill No. 251, Chapter 212, Acts of the Regular Session of the Forty-second Legislature, be, and the same is hereby, in all things repealed.

"Sec. 24. That House Bill No. 578, Chapter 153, Acts of the Regular Session of the Forty-third Legislature, be, and the same is hereby, in all things repealed.

"Sec. 25. That all occupation or excise taxes, penalties, and/or interest accruing to the State of Texas by virtue of any of the repealed provisions, as set out in the last three preceding Sections of this Act, before the effective date of this Act, shall be and remain valid and binding obligations to the State of Texas for all taxes, penalties, and/or interest accruing under the provisions of prior or existing cigarette tax laws, and all such taxes, penalties, and/or interest, now or hereafter becoming delinquent to the State of Texas, before the effective date of this Act, are hereby expressly preserved and declared to be legal and valid obligations to the State.

"Sec. 26. If any article, section, subsection, sentence, clause, or phrase of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed this Act, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses, or phrases should be declared unconstitutional.

"Sec. 27. The fact that the State of Texas is losing many thousands of dollars annually in cigarette taxes, and the further fact that the present cigarette tax law is vague and in-

definite, and the further fact that there are many evasions of the present cigarette tax law create an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read on three separate days in each House, be suspended, and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted."

Mr. Wells offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 20, Subsection (c), paragraph 1, of Section 1, by adding the following: "Provided, however, that the provisions hereof shall not include the warehouses distributing any such cigarettes having theretofore been sold and shipped to such warehouses in bulk shipments to be distributed."

The amendment to the amendment was adopted.

Mr. Coombes offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 20, page 4, Section 2, by changing the words and figures "one dollar and fifty cents (\$1.50)" to "fifty cents (50c)," and the words and figures "three dollars and sixty cents (\$3.60)" to "one dollar and twenty cents (\$1.20)."

Question recurring on the amendment, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—13

Bradley.	Morse.
Coombes.	Munson.
Hartzog.	Patterson.
Hester.	Reader.
Holland.	Sullivant.
Long.	Walker.
Moore.	

Nays—96

Adamson.	Cathey.
Aikin.	Chastain.
Alexander.	Clayton.
Alsup.	Crossley.
Baker.	Daniel.
Barrett.	Dean.
Barron.	Devall.
Bedford.	Engelhard.
Bourne.	Fain.
Burns.	Fisher.
Canon.	Ford.

Fuchs.	Morrison.
Glass.	Palmer.
Golson.	Parkhouse.
Good.	Puryear.
Goodman.	Ray.
Hankamer.	Reed of Bowie.
Harman.	Reed of Dallas.
Head.	Renfro.
Hicks.	Roberts.
Hill of Brazoria.	Rogers of Hunt.
Hill of Webb.	Rogers of Ochiltree.
Hodges.	Rollins.
Huddleston.	Ross.
Hughes.	Russell.
Hunt.	Savage.
Hyder.	Scarborough.
Jackson.	Scott.
Johnson	Shannon.
of Anderson.	Shults.
Jones of Runnels.	Smith.
Kyle of Hays.	Stanfield.
Kyle of Palo Pinto.	Steward.
Laird.	Stinson.
Latham.	Stovall.
Lemens.	Stubbeman.
Leonard.	Tarwater.
Lindsey.	Tennyson.
Lotief.	Thomas.
Mackay.	Townsend.
Magee.	Turlington.
McClain.	Van Zandt.
McCullough.	Vaughan.
McDougald.	Wagstaff.
McKee.	Wells.
Merritt.	Winningham.
Metcalfe.	Wood.
Mitcham.	Young.
Moffett.	

Absent

Anderson.	Harrison.
Beck.	Holekamp.
Butler.	Holloway.
Calvert.	Hoskins.
Camp.	Hunter.
Cave.	James.
Celaya.	Jefferson.
Colson.	Jones of Atascosa.
Cowley.	Jones of Shelby.
Davidson.	Mathis.
Dunlap.	McGregor.
Dunagan.	Nicholson.
Duvall.	Pavlica.
Dwyer.	Pope.
Few.	Ramsey.
Graves.	Riddle.
Griffith.	Tillery.
Harris.	Weinert.

Absent—Excused

Greathouse.	Kayton.
Johnson	Ratliff.
of Dimmit.	

Mr. Lotief offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 20 by striking out the figure and words "5 per cent discount," where it may appear in this bill, and insert in lieu thereof "2 per cent discount."

Mr. Scott offered the following substitute for the amendment by Mr. Lotief:

Substitute for amendment to committee amendment to House Bill No. 20 by striking out the figure and words "5 per cent discount," wherever they appear in the bill.

Question recurring on the substitute amendment by Mr. Scott, it was lost.

Question then recurring on the amendment by Mr. Lotief, it was lost.

Mr. Parkhouse offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 20, page 5, line 3, by inserting the words "top of each" between the words "the" and "individual."

PARKHOUSE,
REED of Dallas,
STINSON,
HUGHES,
SAVAGE.

Mr. Head moved the previous question on the pending amendments, amendments on the Speaker's desk, and the bill, and the main question was ordered.

Question recurring on the amendment by Mr. Parkhouse, it was adopted.

Mr. Parkhouse offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 20, page 5, line 4, of Section 3, by inserting the words "top of each" between the word "the" on line 4, and the word "individual," on line 5.

PARKHOUSE,
REED of Dallas,
STINSON,
HUGHES,
SAVAGE.

The amendment was adopted.

Mr. Long offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 20 by striking out the first sentence on page 11.

The amendment was lost.

The committee amendment as amended was then adopted.

Mr. Wells offered the following committee amendment to the bill:

Amend House Bill No. 20 by striking out all above the enacting clause, and substitute in lieu thereof the following:

"H. B. No. 20,

A BILL

To Be Entitled

An Act amending House Bill No. 578, Chapter 153, of the Acts of Forty-third Legislature, defining certain words, terms, and phrases for the purposes of this Act; providing and imposing a tax on sales of intrastate commerce in this State of cigarettes, according to their weight; providing that the payment of such tax shall be evidenced by stamps furnished by the Treasurer; providing a penalty for any person to sell stamps other than the Treasurer, with exception; authorizing and requiring the Treasurer to design and have printed or manufactured such stamps; requiring such stamps to be affixed on each individual package of cigarettes; providing that such stamps shall be supplied by the Treasurer to all licensed dealers at a discount when purchased in certain quantities; providing that such stamps shall be sold by the Treasurer to any and all persons, firms, partnerships, corporations, and associations of persons; authorizing the Treasurer to sell said stamps on credit with certain restrictions; providing for the distribution of moneys collected hereunder; authorizing the Treasurer to redeem any unused stamps when design of stamp is changed; providing that the Treasurer shall keep a record of all stamps sold by him; limiting and providing penalty for the use of stamps of previous design; providing that every person, firm, corporation, or association of persons shall apply for and secure permit to engage in the business of wholesale or retail dealer in cigarettes; providing that the Comptroller shall issue such permit; providing for the application for such permits and regulating the issuance thereof; providing that certain persons, firms, corporations, or associations

shall not be required to apply for and obtain such permit; providing for the distribution of the funds derived from the issuance and sale of such permits; providing for and regulating the suspension of permits issued; requiring every wholesale dealer to cause the stamps to be affixed to each individual package of cigarettes immediately after receipt of same; providing that wholesale dealers in interstate commerce under certain contingencies need not cause the stamp to be affixed to certain stock; requiring every wholesale dealer to keep certain records; requiring every wholesale dealer to furnish certain records to the Comptroller, and fixing penalty for failure to do so; requiring every retail dealer to affix the stamp to the individual package of cigarettes immediately which has not been stamped; providing that any unstamped cigarettes, except as to bonded interstate wholesale dealers, in the possession of any person are kept in violation of the provisions of this Act; requiring all retail dealers to keep a record of all purchases of cigarettes and stamps; requiring all retail dealers to furnish the Comptroller with certain records, fixing of penalty for failure to do so; stating the purpose and intents of this Act; making it the Comptroller's duty to collect, supervise, and enforce the collection of all taxes and penalties due hereunder; providing that certain power and authority is vested in said Comptroller, authorizing the Comptroller to make rules and regulations for the purpose of carrying out the provisions of this Act; providing that it shall be a felony for any person other than the Treasurer to print, or engrave, or aid, or cause the printing or engraving of any stamps evidencing the payment of the tax levied by this Act, or who shall use or consent to the use of any counterfeit or unauthorized stamps, or shall place or cause to be placed on any individual package of cigarettes any such unauthorized or counterfeit stamps; providing for the penalty for such violation; providing that the venue for certain offenses for violation of certain provisions of this Act shall be in Travis County, Texas; providing that it shall be unlawful for any

person to sell, offer for sale, or possess for the purpose of sale any cigarettes without having first procured the permit as required herein, with certain exceptions, or to sell, offer for sale, or possess for the purpose of sale any cigarettes without the stamp or stamps herein provided for having first been affixed to the individual package of cigarettes, with certain exceptions, or to attach to any individual package of cigarettes any stamp that has been theretofore attached to a different package of cigarettes, or to refuse to allow the Comptroller to inspect any place of business where cigarettes are sold, or to use any artful device or deceptive practice to conceal any violation of this Act, or for any retail dealer to possess in any place of business any cigarettes which are not properly stamped, or for any retail dealer and or wholesale dealer to fail to produce certain invoices, or for any person to furnish any false or untrue invoice of cigarettes, or for any wholesale or retail dealer to fail and refuse to keep the records required by this Act, or for any dealer to fail to display said permit or license, or for any person other than common carrier to transport any package or packages of cigarettes which do not bear the State revenue stamp, or for any person to violate any of the provisions of this Act, shall be guilty of a misdemeanor and punished by fine not less than ten dollars (\$10) nor more than five hundred dollars (\$500), or by confinement in jail not exceeding six (6) months, or by both such fine and imprisonment; providing that all agents, employes, and others who aid or participate in the violation of this Act shall be guilty and punishable as principals; providing that the transportation of any unstamped cigarettes is prohibited; providing for the seizure of any vehicle transporting any unstamped cigarettes; providing for an action to be brought against the owner or operator of any vehicle transporting any unstamped cigarettes, demanding the forfeiture and sale of such vehicle; providing for the notice of such cause; providing for the appointment of an attorney under certain contingencies; providing for the trial of said cause; providing

for the forfeiture and sale after hearing of such seized vehicle; providing an opportunity for the owner or claimant of any seized property to have a hearing; providing for the disposition of all funds collected from the sale of any seized vehicle under the provisions of this Act; providing for certain fees for the attorney appointed by the court; requiring retail dealer to obtain invoice of cigarettes purchased by him; providing a penalty for receiving unstamped cigarettes in certain instances; providing for the seizure and forfeiture to the State of cigarettes on which taxes are imposed by the provisions of this Act, on which the taxes levied hereunder have not been paid; providing for the appraisal of same; providing for the procedure to enforce such forfeiture; providing for the service of notice of said procedure; providing in certain events for the appointment of attorney; providing for the forfeiture of said property; ordering the sale thereof; providing that any claimant or lien holder of any seized property may, in certain events, obtain possession of such seized property; authorizing the Comptroller to waive any proceeding for the forfeiture of any property seized under the provisions of this Act in certain instances, and providing penalty; providing that all funds collected by the Comptroller under the provisions of this Act shall be paid over to the Treasurer; providing that two per cent (2%) of the gross amount derived under the provisions of this Act shall be set aside for the use of the Comptroller for the enforcement of the provisions hereof; requiring the Comptroller to itemize and designate funds collected under this Act as required by the State Constitution; repealing Sections 12, 13, 14, and 15, of House Bill No. 547, Chapter 73, Acts of the Regular Session of the Forty-second Legislature; repealing Subdivision 39, of Section 1, of House Bill No. 251, Chapter 212, Acts of the Regular Session of the Forty-second Legislature; repealing House Bill No. 578, Chapter 153, Acts of the Regular Session of the Forty-third Legislature; providing that all taxes, penalties, and interest due and existing and hereafter due and/or

delinquent under prior existing cigarette tax laws are expressly preserved and declared to be legal and valid obligations due the State; providing that if any section, subsection, sentence, clause, or phrase in this Act shall be held or declared to be unconstitutional or invalid for any reason, such holding shall not impair or affect the remaining portions of this Act, and the same shall be and remain in full force and effect, and declaring an emergency."

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes made in the body of the bill.

House Bill No. 20 was then passed to engrossment.

HOUSE BILL NO. 20 ON THIRD READING

Mr. Wells moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 20 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—100

Adamson.	Glass.
Aikin.	Golson.
Alexander.	Good.
Alsup.	Goodman.
Anderson.	Hankamer.
Baker.	Harman.
Barrett.	Harris.
Beck.	Head.
Bedford.	Hill of Brazoria.
Bourne.	Hill of Webb.
Burns.	Hodges.
Calvert.	Hoskins.
Canon.	Huddleston.
Celaya.	Hughes.
Chastain.	Hunter.
Clayton.	Jackson.
Colson.	Jones of Atascosa.
Cowley.	Jones of Runnels.
Crossley.	Jones of Shelby.
Daniel.	Kyle of Hays.
Davidson.	Kyle of Palo Pinto.
Dean.	Laird.
Devall.	Latham.
Dunlap.	Lemens.
Dunagan.	Lindsey.
Engelhard.	Mackay.
Fain.	Magee.
Fisher.	McClain.
Ford.	McDougald.
Fuchs.	Merritt.

Metcalf.	Ross.
Mitcham.	Russell.
Moffett.	Savage.
Morrison.	Scott.
Morse.	Shults.
Munson.	Smith.
Parkhouse.	Stanfield.
Patterson.	Steward.
Pope.	Stinson.
Puryear.	Stovall.
Ray.	Stubbeman.
Reader.	Tarwater.
Reed of Bowie.	Tennyson.
Reed of Dallas.	Tillery.
Renfro.	Townsend.
Riddle.	Van Zandt.
Roberts.	Vaughan.
Rogers of Hunt.	Wagstaff.
Rogers	Weinert.
of Ochiltree.	Wells.
Rollins.	

Nays—8

Coombes.	McKee.
Hyder.	Scarborough.
Long.	Sullivant.
Lotief.	Wood.

Absent

Barron.	James.
Bradley.	Jefferson.
Butler.	Johnson
Camp.	of Anderson.
Cathey.	Leonard.
Caven.	Mathis.
Duvall.	McCullough.
Dwyer.	McGregor.
Few.	Moore.
Graves.	Nicholson.
Griffith.	Palmer.
Harrison.	Pavlica.
Hartzog.	Ramsey.
Hester.	Shannon.
Hicks.	Thomas.
Holekamp.	Turlington.
Holland.	Walker.
Holloway.	Winningham.
Hunt.	Young.

Absent—Excused

Greathouse.	Kayton.
Johnson	Ratliff.
of Dimmit.	

The Speaker then laid House Bill No. 20 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—103

Adamson.	Baker.
Aikin.	Barrett.
Alsup.	Bedford.
Anderson.	Bourne.

Burns.	Lindsey.
Calvert.	Mackay.
Canon.	Magee.
Cathey.	McClain.
Caven.	McDougald.
Celaya.	Merritt.
Chastain.	Metcalfe.
Clayton.	Mitcham.
Colson.	Moffett.
Cowley.	Morrison.
Crossley.	Morse.
Daniel.	Munson.
Davidson.	Palmer.
Dean.	Parkhouse.
Devall.	Patterson.
Dunlap.	Puryear.
Dunagan.	Ray.
Dwyer.	Reader.
Engelhard.	Reed of Bowie.
Fain.	Reed of Dallas.
Fisher.	Renfro.
Ford.	Riddle.
Fuchs.	Roberts.
Glass.	Rogers of Hunt.
Golson.	Rogers
Good.	of Ochiltree.
Goodman.	Rollins.
Griffth.	Ross.
Hankamer.	Russell.
Harman.	Savage.
Harris.	Scott.
Head.	Shannon.
Hill of Brazoria.	Shults.
Hill of Webb.	Smith.
Hodges.	Stanfield.
Hoskins.	Steward.
Huddleston.	Stinson.
Hughes.	Stovall.
Hunter.	Stubbeman.
Jackson.	Tarwater.
Jefferson.	Tennyson.
Jones of Runnels.	Thomas.
Jones of Shelby.	Tillery.
Kyle of Hays.	Van Zandt.
Kyle of Palo Pinto.	Vaughan.
Laird.	Wagstaff.
Latham.	Weinert.
Lemens.	Young.

Nays—9

Coombes.	McKee.
Hyder.	Moore.
Long.	Scarborough.
Lotief.	Sullivant.
McCullough.	

Absent

Alexander.	Harrison.
Barron.	Hartzog.
Beck.	Hester.
Bradley.	Hicks.
Butler.	Holekamp.
Camp.	Holland.
Duvall.	Holloway.
Few.	Hunt.
Graves.	James.

Johnson	Pope.
of Anderson.	Ramsey.
Jones of Atascosa.	Townsend.
Leonard.	Turlington.
Mathis.	Walker.
McGregor.	Wells.
Nicholson.	Winningham.
Pavlica.	Wood.

Absent—Excused

Greathouse.	Kayton.
Johnson	Ratliff.
of Dimmit.	

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, October 5, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 21, A bill to be entitled "An Act authorizing the State Board of Education to create and establish school districts at military reservations located within the State of Texas upon such terms and conditions as agreed upon by and between said Board and the War Department of the United States Government; etc., and declaring an emergency."

H. B. No. 68, A bill to be entitled "An Act making it unlawful for any person to hunt, trap, kill, or attempt to kill, by any means whatsoever, any wild turkey, wild chachalaca, or Mexican pheasant in the Counties of Guadalupe, Comal, Gonzales, and Wilson for a period of five (5) years; providing a penalty; repealing all laws or part of laws in conflict herewith, and declaring an emergency."

H. B. No. 103, A bill to be entitled "An Act providing for the pledging of local school funds from district taxes and other local sources to be used to pay the interest and sinking fund on a loan or loans from the Federal Government for certain purposes; authorizing the pledging of annual tax receipts by the board of trustees; authorizing the making of contracts with lenders upon certain terms; etc., and declaring an emergency."

The Senate has granted the request of the House for a conference committee on House Bill No. 54. The

following have been appointed on the part of the Senate: Senators Pace, Woodul, Purl, Redditt, and Patton.

Respectfully,

BOB BARKER,
Secretary of the Senate.

BILL SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and its caption had been read, the following enrolled bill:

H. B. No. 18, "An Act to amend Article 3886, of the Revised Civil Statutes of 1925, as amended by Chapter 220, Acts of the Regular Session of the Forty-third Legislature, by reducing in the aggregate the amount of salaries of employes in the office of the criminal district attorneys in counties having a population in excess of 355,000 inhabitants, and fixing the compensation of such employes so as to provide an adequate staff for said offices in said counties; providing for the payment of certain of said employes by said counties from the general funds of such counties; etc., and declaring an emergency."

BILL RE-COMMITTED

Mr. Stinson moved that House Bill No. 153 be re-committed to the Committee on Appropriations.

The motion prevailed.

BILL ORDERED NOT PRINTED

On motion of Mr. Pope, Senate Bill No. 28 was ordered not printed.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Engelhard:

H. B. No. 176, A bill to be entitled "An Act making an appropriation to pay deficiencies and bills for the Adjutant General's Department out of the General Fund; authorizing payments of such claims on the taking effect of this Act."

Referred to Committee on Claims and Accounts.

By Mr. Devall (by request) and Mr. Johnson of Anderson:

H. B. No. 177, A bill to be entitled "An Act to amend Article 4192, of the Revised Civil Statutes of 1925, providing for the making of oil and gas and other mineral leases by guardians of the estates of minors and other persons upon the real estate belonging to the estates of their wards, and providing for the time and manner of giving notice, and validating all such leases heretofore made in accordance with said Article, and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Ross:

H. B. No. 178, A bill to be entitled "An Act providing for the pledging of local school funds from district taxes and other local sources to be used to pay the interest and sinking fund on a loan or loans from the Federal Government for certain purposes; authorizing the pledging of annual tax receipts by the board of trustees, with the consent and approval of the county superintendent and the county board of school trustees; authorizing the making of contracts with lenders upon certain terms; providing for a sinking fund for the loans so made; requiring a certain amount to be placed in the sinking fund, and the greater amount where necessary; authorizing boards of trustees, with the consent and approval of the county superintendent and the county board of school trustees, to execute quitclaim deeds to school sites to the Federal Government; etc., and declaring an emergency."

Referred to Committee on Education.

By Mr. Engelhard:

H. B. No. 179, A bill to be entitled "An Act making appropriations to pay miscellaneous claims out of the General Fund; authorizing the payment of certain sums out of the Highway Fund; authorizing payment of said miscellaneous claims on the taking effect of this Act."

Referred to Committee on Claims and Accounts.

By Mr. Hunt et al.:

H. B. No. 180, A bill to be entitled "An Act amending Article 8182,

Chapter 7, Title 128, Revised Civil Statutes of State of Texas, 1925, providing for the retirement of bonds of drainage districts, water improvement districts, and other reclamation districts created for the conservation, reclamation, and protection of the natural resources of the State of Texas, and providing more fully for the settlement and payment of all established and valid indebtedness of such districts, and providing for the payment of taxes against the persons and property assessed and assessable in such districts with bonds, coupons, and indebtedness of said district, which may have been approved by the commissioners court; etc., and declaring an emergency."

Referred to Committee on Conservation and Reclamation.

By Mr. Metcalfe, Mr. Stevenson, and Mr. Jones of Runnels:

H. B. No. 181, A bill to be entitled "An Act amending Article 322, of the 1925 Revised Civil Statutes of Texas, same being Acts of 1927, Fortieth Legislature, as amended by Chapter 43, Acts of the Forty-third Legislature, by adding thereto the words 'One Hundred and Twelfth' and 'One Hundred and Nineteenth,' which same refer to One Hundred and Twelfth and One Hundred and Nineteenth Judicial Districts, and declaring an emergency."

Referred to Committee on Judicial Districts.

ADJOURNMENT

Mr. Savage moved that the House adjourn until 9 o'clock a. m., tomorrow.

Mr. Chastain moved that the House adjourn until 9:30 o'clock a. m., tomorrow.

The motion of Mr. Chastain prevailed, and the House, accordingly, at 5 o'clock p. m., adjourned until 9:30 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills and resolutions, as follows:

State Affairs: Senate Concurrent Resolutions Nos. 15, 10, 17, and 14.

Game and Fisheries: House Bill No. 81.

Education: House Bill No. 107.

Municipal and Private Corporations: House Bill No. 174.

Judiciary: House Bills Nos. 86, 172, and 143; Senate Bill No. 28.

Conservation and Reclamation: House Bills Nos. 153 and 139; Senate Bills Nos. 38 and 51.

Appropriations: Senate Bill No. 24.

Counties: House Bill No. 164.

Liquor Traffic: House Bill No. 168.

Revenue and Taxation: House Bill No. 124.

Public Health: House Bill No. 114.

The Committee on Appropriations filed adverse reports on House Bills Nos. 9 and 134.

REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, October 4, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 25, A bill to be entitled "An Act granting to the governing bodies of all cities, towns, and villages operating under Title 28, of the Revised Civil Statutes of Texas, of 1925, and amendments thereto, subject to the provisions of Chapter 163, of the Acts of the Forty-second Legislature; providing for the holding of elections to authorize indebtedness for the following purposes: (1) To establish, or erect, or cause to be established or erected, warehouses and elevators for the storage of agricultural products. (2) Cold storage plants for the storage and preservation of agricultural products, meats, and other produce of a perishable nature. (3) Abattoirs for the slaughtering of animals. (4) Ice manufacturing plants for the manufacturing and sale of ice. (5) Light systems, water systems, sewer systems, natural gas systems, municipal markets, or city markets. Providing that this Act shall be cumulative of all other Acts now in effect; authorizing the governing bodies of all such cities, towns, and villages to pledge and/or encumber, to mortgage, and to lease such establishments and the income thereof, to issue revenue bonds, notes, certificates, or other evidences of indebt-

edness to secure funds for the payment of same, including sufficient land to erect improvements thereon; authorizing the governing bodies of such cities to grant a franchise to operate the properties so purchased for a term of not over twenty years; providing that no such obligation shall ever be a debt on such city, town, or village, but solely upon the property so encumbered, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HARRISON, Chairman.

Committee Room,
Austin, Texas, October 4, 1933.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 35, A bill to be entitled "An Act to make provision for: 1— (Section 1). The adoption of a home rule charter by counties in Texas, upon a vote of the qualified resident electors of such counties, all as provided in Section 3, Article IX, of the Constitution of the State of Texas; reference to such provision of the Constitution here is made to the same effect as though it were embodied herein; etc., and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HARRISON, Chairman.

Committee Room,
Austin, Texas, October 4, 1933.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 26, A bill to be entitled "An Act providing for the transfer of certain lands to the State of Texas and to the State Parks Board for park purposes; providing that all lands south of parallel of latitude 29° 25' North, lying and being situated in Brewster and Presidio Counties, heretofore or hereafter purchased by the State for delinquent taxes and which are not redeemed within the time prescribed by law, shall become the property of the State of Texas for park purposes, and shall be under the control of the Texas State Parks Board; providing for execution of deeds to the State of Texas for park purposes, and for filing of certified

copies in the General Land Office, and the keeping of certain records by the Commissioner of the General Land Office; providing for the exchange or sale of said lands, and execution of necessary instruments of conveyance or transfer; providing that all funds derived from sale of said lands shall be deposited in the State Treasury for the use of the State Parks Board; providing the mineral estate in and under said lands shall be reserved to the State of Texas for the benefit of the Permanent Public Free School Fund, and no acquisition by said Parks Board shall impair any obligation or lien held to be due the Permanent School Fund; changing the name of the Texas Canyons State Park to Big Bend State Park; providing for the lands to constitute said park; withdrawing certain additional State school lands in Brewster County, Texas, from sale; transferring and conveying said public school lands to the State of Texas for park purposes, reserving all minerals to the Public School Fund; valuing said lands, and making an appropriation out of the General Revenue for payment of the Permanent School Fund of Texas for consideration of said transfer; providing said Big Bend State Park shall be under the supervision and control of said Texas State Parks Board; authorizing said Texas State Parks Board to contract to exchange said lands for other lands for park purposes, such contracts to become effective when approved by a board consisting of the Governor, Attorney General, and Commissioner of the General Land Office; providing that this Act shall be cumulative of all other laws; providing that if any part of this Act shall be held to be unconstitutional, such holding shall not affect the remainder of this Act, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HARRISON, Chairman.

Committee Room,
Austin, Texas, October 5, 1933.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 100, A bill to be entitled "An Act making appropriation for the support and maintenance of the General Land Office, and particularly

making an appropriation for a special audit to be made by or under the direction of the Commissioner of the General Land Office of all books and accounts of oil companies relative to the bonus and rentals due on sold public school lands, and declaring an emergency."

Has carefully compared same, and finds it correctly engrossed.

HARRISON, Chairman.

Committee Room,

Austin, Texas, October 4, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 85, A bill to be entitled "An Act authorizing any county, political subdivision, or defined district thereof to hold an election for the purpose of determining whether it will repurchase any road bonds sold and outstanding at the time of the passage of this Act, out of unexpended and unpledged funds received from the original sale of said bonds, and providing that such election shall be ordered and held in the same form and manner provided for in voting such road bonds; providing for the cancellation and destruction of such road bonds upon repurchase by reason of such election; etc., and declaring an emergency."

Has carefully compared same, and finds it correctly engrossed.

HARRISON, Chairman.

Committee Room,

Austin, Texas, October 4, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 87, A bill to be entitled "An Act requiring, in certain instances after twenty (20) years, in other instances after seven (7) years, and in other instances after stipulated periods, individuals, companies, corporations, and associations holding certain unclaimed deposits of money and certain unclaimed property for storage or safe keeping, or otherwise, and companies, corporations, and associations holding certain unclaimed dividends, profits, debts, and interest on debts, and requiring certain county and district court officials holding funds in trust paid in under order of the court, to report annually, under

oath, such unclaimed deposits of money, property, dividends, profits, debts, and interest on debts so held to the Comptroller of Public Accounts; setting forth the requirements of such reports; and providing penalties for false reports and for failure to report; requiring the Comptroller of Public Accounts to keep an index of the contents of said reports; providing for notification to owners or persons lawfully entitled to funds and property so reported and for publication of statements of such funds and property; providing for the sale of such unclaimed property, and a method by which said unclaimed money and the proceeds of said property, together with the interest thereon accrued, may be paid into the State Treasury for the benefit of the State; providing a method by which, and limiting the time in which, any portion of said funds so paid into the State Treasury may be recovered by claimants; providing that the Treasurer of the State of Texas shall not be authorized to make payments of money as provided in Article 3655, of the Revised Civil Statutes of 1925, except through appropriations made by the Legislature therefor; providing if any part of this Act shall be held unconstitutional, such holding shall not affect the remaining provisions thereof; providing that this Act shall be cumulative of, and in addition to, present existing escheat laws, and declaring an emergency."

Has carefully compared same, and finds it correctly engrossed.

HARRISON, Chairman.

Committee Room,

Austin, Texas, October 4, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 40, A bill to be entitled "An Act releasing penalties and interest on ad valorem and poll taxes that were delinquent on or before July 1, 1933, due the State and certain subdivisions of the State, provided same are voluntarily paid on or before December 31, 1933, together with two per cent (2%) penalty, or on or before March 31, 1934, together with four per cent (4%) penalty, or on or before June 30, 1934, together with six per cent (6%) penalty; providing that Section 1 hereof shall not

apply to delinquent taxes due to cities, towns, villages, special school districts or independent school districts unless and until the governing body of such subdivision shall adopt the provisions hereof by resolution or ordinance; providing that nothing in Section 1 of this Act shall be construed as postponing, delaying, or extending the time for the payment of delinquent taxes covered by this Act, nor as prohibiting, postponing, or delaying the filing or prosecution of tax suits; defining the term 'voluntarily paid,' as same is used herein; providing for the installment payment of delinquent ad valorem and poll taxes due to certain political subdivisions of the State adopting the provisions of Section 3 of this Act, and releasing penalties and interest heretofore accrued on such taxes, provided same are paid within the time and in the manner provided in said Section, together with six per cent (6%) interest on each installment from September 30, 1933, and together with all costs heretofore attached and accrued on such taxes; providing that the governing bodies of certain subdivisions of the State may adopt the provisions of Section 3 hereof by resolution or ordinance; providing for the releasing of costs that would otherwise hereafter accrue on said delinquent taxes where same are voluntarily paid in the manner prescribed by this Act; providing that any taxpayer may pay all delinquent taxes for any one year or any number of years under the provisions of Section 1 hereof without at the same time paying any other taxes that may be then delinquent on the same property for any other year or years; repealing Chapter 169, Acts, Regular Session, Forty-third Legislature, and suspending all other laws or parts of laws in conflict with the provisions of this Act during the term of this Act, in so far as same are in conflict with the provisions hereof; providing that if any clause, section, sentence, paragraph, or part of this Act shall be adjudged or held to be invalid for any reason, such judgment shall not impair or invalidate the remainder of the Act, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HARRISON, Chairman.

Committee Room,
Austin, Texas, October 5, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 90, A bill to be entitled "An Act to amend Subdivision 9, Article 2135, Chapter 7, Title 42, of the Revised Civil Statutes of the State of Texas, 1925, as amended by Acts, 1931, Forty-second Legislature, page 375, Chapter 221, Section 2, so as to provide that in cities and towns having a population of one thousand (1,000) or more inhabitants, according to the last preceding United States Census, the active members of organized fire companies, etc., and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HARRISON, Chairman.

Committee Room,
Austin, Texas, October 4, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 46, A bill to be entitled "An Act providing for the creation of discharged convicts revolving fund, amending Article 6166-m, as passed by the Fortieth Legislature, 1927, Chapter 212, Section 14, providing for the payment of money into said fund by the State Treasurer out of monies remitted to him by the General Manager of the State Prison System; providing for reports of the condition of the discharged convicts revolving fund by the depositories, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HARRISON, Chairman.

Committee Room,
Austin, Texas, October 5, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 145, A bill to be entitled "An Act amending Article 1041, of the Revised Code of Criminal Procedure of Texas, by adding thereto Article 1041-a, providing for the compensation of jailers and/or turnkeys in all counties in the State hav-

ing a population of one hundred thousand and one (100,001) inhabitants and not more than one hundred and fifty thousand (150,000) inhabitants, and containing two cities of fifty thousand (50,000) population or more, each according to the last preceding Federal Census, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HARRISON, Chairman.

Committee Room,
Austin, Texas, October 5, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 147, A bill to be entitled "An Act to amend Article 1970, Section 94-b, of the Revised Civil Statutes of 1925, as amended by Chapter 16, Section 6, of the Acts of the Forty-first Legislature, relating to the salary paid the official court reporter of the County Court at Law, of Harris County, Texas,"

Has carefully compared same, and finds it correctly engrossed.

HARRISON, Chairman.

Committee Room,
Austin, Texas, October 5, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 146, A bill to be entitled "An Act to fix the salaries and compensation of county commissioners in counties with a population of not less than 22,296 nor more than 22,580, according to the last Federal Census, and providing for the manner and the fund from which said salaries shall be paid, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HARRISON, Chairman.

Committee Room,
Austin, Texas, October 5, 1933.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 78, A bill to be entitled "An Act to declare the validity of

certain indebtedness arising out of the construction of State Highway No. 41, in the County of Real; to place such indebtedness on a parity with bonds, warrants, and other evidences of indebtedness heretofore authorized to be paid out of the County and Road District Highway Fund; providing for the payment of such indebtedness to Real County in trust for Captain Charles Schreiner, his heirs, and legatees; repealing all laws or parts of laws in conflict herewith, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HARRISON, Chairman.

Committee Room,
Austin, Texas, October 5, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 63, A bill to be entitled "An Act to regulate the business of transporting persons for hire or for compensation over the public roads, highways, or bridges of the State of Texas, whether as a common carrier, contract, or charter carrier, or as a transportation agency, or travel bureau for obtaining a co-traveler or co-travelers to share the expense of a trip or to act as an intermediary in connection therewith as a broker for hire, agent, or otherwise, whereby the expense of a trip or trips is to be shared, or to solicit, induce, or encourage another to purchase an interest in a motor vehicle in violation of this Act unless the person, driver, or chauffeur in charge of the motor vehicle shall first comply with the laws of this State in connection with the obtaining of proper licenses; etc., and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HARRISON, Chairman.

REPORT OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,
Austin, Texas, October 5, 1933.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 65, "An Act providing for payment of the salary of the ex-

officio superintendent of public instruction in all counties having not less than three thousand (3,000), and not more than three thousand one hundred (3,100) population, according to the last preceding Federal Census, from the county available school fund; repealing all laws and parts of laws in conflict herewith, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

MORRISON, Vice-Chairman.

Committee Room,
Austin, Texas, October 5, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 9, Extending the time for filing certain field notes,

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,
Austin, Texas, October 5, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 29, "An Act to authorize the withdrawal or exclusion of lands from water control and improvement districts which embrace lands in two or more counties, and containing not less than one hundred and twenty-five thousand (125,000) acres after the provisions hereof are adopted by a two-thirds vote of the board of directors of any such district, by resolution, and entered of record upon the minutes of such board, and a copy thereof recorded in the office of the county clerk of each county in which any portion of the lands of such district are situated; providing that no petition for exclusion of lands shall be presented or filed unless the lands proposed to be excluded, and therein described, exceed five thousand (5,000) acres; prescribing the method of procedure whereby lands may be withdrawn or excluded from any such district; providing that such withdrawn lands shall continue to pay their pro rata part of the debts of such dis-

trict existing at the time of withdrawal; authorizing landowners and bond holders to refund or adjust bond debts existing on lands excluded or withdrawn from any such district; providing for cancellation of unsold bonds of any improvement district from which lands are excluded or withdrawn; enacting provisions incident and necessary to the subject and purpose of this Act, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,
Austin, Texas, October 5, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 18, "An Act to amend Article 3886, of the Revised Civil Statutes of 1925, as amended by Chapter 220, Acts of the Regular Session of the Forty-third Legislature, by reducing in the aggregate the amount of salaries of employes in the office of the criminal district attorneys in counties having a population in excess of three hundred and fifty-five thousand (355,000) inhabitants; fixing the compensation of such employes so as to provide an adequate staff for said offices in said counties; providing for the payment of certain of said employes by said counties from the General Funds of such counties; providing for the payment of the salaries of certain of said employes out of the excess fees collected by such criminal district attorneys; providing that said employes compensated out of said fees shall be appointed by such criminal district attorneys with the advice and consent of the commissioners courts of such counties, and that such employes so compensated, before qualifying and entering upon the duties of such office and employment shall be approved as to number and salaries by said commissioners courts; repealing all laws and parts of laws in conflict herewith; providing for the effective date of the Act, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

MORRISON, Vice-Chairman.